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ABSTRACT

This document discusses tribal governance as part of the "Native American Week" on Montana State University's Bozeman campus. The document contains a commissioned paper, a panel discussion, a speech, and a list of legal documents of tribal governments in Montana. The commissioned paper, "Federal Indian Policy: A Summary," by Walter Fleming explains how changing national policy has shaped the evolution of Montana tribal governance. Tribal presidents from each of the seven Montana Indian Reservations form the Tribal Governance Panel. They present the ongoing struggle of American Indians to achieve and sustain genuine Native American self-determination through tribal self-governance. Topics discussed include historical and current problems in cultural difference, federal-imposed policies on reservation administration, tribally controlled industries and economic development efforts, reservation schools, conservation of natural resources and claims, and water rights. The speech, "Look at the Past, Present, and Future of the Indian People," delivered by Earl Old Person, stresses education as a means to achieving self-determination, Indian leadership, and government responsibility. Finally, a list of legal documents are presented, including: the governing charters of all of Montana's seven reservations, the charter of the Little Shell Tribe of the Montana Chippewas, and the text of the Indian Reorganization Act of 1934 (which enabled these tribal charters). (KS)

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REFLECTIONS ON TRIBAL GOVERNANCE IN MONTANA

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of the
LOCAL GOVERNMENT CENTER
MONTANA STATE UNIVERSITY
BOZEMAN, MONTANA

Kenneth L. Weaver
Editor

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EDITOR'S PREFACE

Each spring Montana State University hosts "Native American Awareness Week" on its Bozeman campus. This annual event serves to remind our students and faculty of the uniqueness of Montana's Native American cultures. The event also helps us all understand more clearly that from an intertwined history we are moving toward a shared future in this large place called Montana.

The theme of the 1989 celebration focused specifically on tribal governance of the seven Indian Reservations situated in Montana. With enabling sponsorship provided by the Montana Committee for the Humanities and the MSU Local Government Center, a panel of tribal presidents from each of the reservations discussed the evolution of tribal government in response to a century of changing federal mandates and programs. The reflections of these tribal leaders tell a story that needs to be preserved and communicated to all who would understand the ongoing struggle to achieve and sustain genuine Native American self-determination through tribal self-governance.

Additionally, the perspective of Montana's tribal leaders provides a timely reminder that tribal government in Montana is obliged to cope with much the same agenda of "health, safety and welfare" issues confronting their sister units of Montana county and municipal government. As the shared agenda of common issues enlarges as a result of federal mandates, declining resources and general economic hard times, the potential and need for improved inter-local cooperation among tribal, county and municipal governments has never been greater. Thus, one of our objectives in reporting these reflections of tribal leaders is to enlarge the community of understanding that tribal government is also the "local government" for some 41,000 Native Americans residing under the Big Sky.

To place the reflections of contemporary tribal leadership in perspective, this collection includes a narrative "Look at the Past, Present, and Future of the Indian People" delivered during the 1989 Native American Awareness Week by Earl Old Person, a long-time leader and spokesman of the Blackfeet Tribe. Additionally, the Local Government Center commissioned Walter Fleming of the MSU Native American Studies Program to prepare a chronology of "Federal Indian Policy," which has been included as a backdrop to aid the reader's understanding of how changing national policy has shaped the evolution of Montana tribal governance. Finally, the governing charters of all of Montana's seven reservations, plus the charter of the Little Shell Tribe of the Montana Chippewas, as well as the text of the Indian Reorganization Act of 1934 (which enabled these tribal charters) have been included as convenient reference materials.

The Local Government Center is indebted to the W.K. Kellogg Foundation, the Northwest Area Foundation, and the MSU Extension Service for their enabling sponsorship and support of this project and the ongoing local government research and assistance programs of the Center.

Kenneth L. Weaver, Editor

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FEDERAL INDIAN POLICY: A SUMMARY

by

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A Paper Commissioned
by the
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Bozeman, Montana

September 1990

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FEDERAL INDIAN POLICY: A SUMMARY

by

Walter C. Fleming

Vine Deloria tells about the occasion, in 1966, when the National Congress of the American Indian was presenting an award to the then Director of the Office of Equal Opportunity, R. Sargent Shriver.[1] They had printed a certificate of appreciation with blanks for the signatures of "President," "Vice-President," and "Secretary." The night of the awards ceremony, the Board members met to list the noteworthy accomplishments of Mr. Shriver and to sign the form in the appropriate spaces.

They came to the bottom to the space for the President's signature and one board member, puzzled, asked, "Who signs this? Our President or theirs?" The question was finally answered, but not without debate (the President of the United States would not, after all, be signing a document from the National Congress of the American Indian).

This story of "our President or theirs" illustrates a fundamental fact of Native American life: the Great White Father in Washington, D.C. is not ***our*** President any more than the President of the Northern Cheyenne Tribe of Montana is yours (or mine). This is a "fact" opined by many Indian people and nations as the product of the evolution of Federal policy with respect to Indian affairs.

William Hagan[2] attempts to address the history of Federal Indian policy by examining chronological events which led from one decision to the other until, under the aggregate of history, contemporary Native American policies can be examined.

The eras are, roughly, the Time of Discovery, the Colonial Experience, the Early American Indian Policy, Indian Removal and Westward Expansion, the Reservation Period, the Dawes Era, the Indian Reorganization Act, Termination, and, finally, Indian Self-Determination.

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[1]Vine Deloria, Jr., Behind the Trail of Broken Treaties (Austin, TX: The University of Texas Press, 1974), p. 1.

[2]William Hagan, American Indians (Chicago: University of Chicago Press, 1979).

THE TIME OF DISCOVERY

When Columbus "discovered" the New World, he did not discover an empty land. In 1492, there were over 400 independent nations inhabiting territories on the North American continent. These nations, or tribes, had their own governments, cultures, and languages, as well as their own rich histories. The first act of Columbus, and a presumptuous one at that, was to label the natives of the New World "Los Indios," the Indians, for he thought, incorrectly, that he had landed in the West Indies. (There was an Indian joke, popularized by Deloria in his book, Custer Died for Your Sins,[3] that Columbus didn't know where he was going when he left, didn't know where he had been when he came back, and did it on someone else's money. The Bureau of Indian Affairs, so the story goes, has followed that lead since.)[4]

While Columbus' gift of a name may seem a simple and inconsequential act, it is one which has forever robbed American Indians of their very identities. The American government would follow the lead of Columbus by enacting policy with American Indians as though they were one people united under a single racial identity.

Ironically, one of the most heated debates, with both religious and political consequences, was whether American Indians were human. By Papal Bull (Bull *Sublimis Deus*) in 1537, American Indians were officially declared to be so by Pope Paul III.[5] The arguments might seem asinine, but the need to argue such a problem was unquestionably consequential to the Spanish. Sepulveda, opponent of Las Casas in the great Spanish debate over the nature of the Indian,

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[3]Vine Deloria, Jr., Custer Died for Your Sins (New York: MacMillan, 1969).

[4]Another wag noted that Indians are called such because Columbus was looking for the West Indies and it is indeed fortunate that he wasn't looking for Turkey.

[5]Felix S. Cohen, in his Handbook of Federal Indian Law (Charlottesville, VA: Bobbs-Merrill, 1982), summarized Victoria's argument this way: "Since the Indians were true owners, Victoria held discovery can be justified only where property is ownerless. Nor could Spanish title to Indian lands be validly based upon the divine rights of the Emperor or the Pope, or upon the unbelief or sinfulness of the aborigines. Thus, Victoria concluded, even the Pope has no right to partition the property of the Indians, and in the absence of a just war, only the voluntary consent of the aborigines could justify the annexation of their territory. No less than their property, the government of the aborigines were entitled to respect by the Spaniards, according to the view of Victoria" (p. 46).

advanced such an argument that in effect justified the activities of his countrymen in the New World.[6]

The interest in the Indians was incidental to the debate. The Catholic priest, arguing that Indians were "savage" but human, was interested in the saving of souls. After all, only humans have them. The Spanish government argued the counterpoint because of the land upon which the Indians lived and died.

If the land was vacant of any "human" occupation, then a nation could claim both land title and political jurisdiction on the grounds of *vacuum domicilium.* Spain and all of the European powers could divide up the New World based upon ownership by discovery. The implications are astounding.

In actual practice, the theory meant that the discoverer of unoccupied lands in the rest of the world gained a right to the land titles as against the claims of other European nations. It accorded the Indians only "aboriginal title."

Aboriginal title is a legal concept, ultimately endorsed by the Supreme Court of the United States, which describes the nature of ownership of land held by the Indians within the legal framework of the Anglo-American judicial system. It is a concept which has its origins outside of the courts of the Anglo-Saxon heritage. Since it is a pragmatic, politically created concept of the European powers, in discussing it, one must keep in mind that it is based upon European ideals for occupation and use of land.

The notion holds that aborigines have "occupational rights" to the land (another term for aboriginal title) which must be extinguished before a European power (or the American government, in the latter period) can acquire full title to such territories. Thus, the Louisiana Purchase, in theory, only transferred to the American government, from the French, the right to negotiate with the indigenous tribes for actual title.

It is important to note the contrary belief of the majority of Indian tribes at the same time. Most believed that the earth (the land) could not be "owned" in the same way that one "owned" a horse or canoe. Land, like water and air, belonged to everyone, to no one, to the Supernatural. They could not fathom, nor did they wish to embrace, the European ideals of "legal" ownership.

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[6]See Lewis Hanke, The Spanish Struggle for Justice in the Conquest of America (Philadelphia: University of Pennsylvania Press, 1949).

THE EARLY AMERICAN INDIAN POLICY

Federal Indian policy has evolved to solve "the Indian problem" of the era. During the Colonial Period it was assumed that the Indian, surrounded by a "superior" culture, would see the better way and be absorbed into the general population. When this did not occur, lands were set aside within the colonies for the exclusive use of the Indian. Within these lands the Indian nations survived.

That these tribes were sovereign nations is undeniable. In the years immediately following the Revolutionary War, the young American government chose to obtain the allegiance of Indian tribes via treaties; contracts between sovereign nations which constitute "the supreme law of the land."[7] The United States, until 1871, utilized treaties as the accepted method by which to conduct business with Indian tribes. The United States negotiated more than 650 treaties and at least one with nearly every Indian tribe.[8]

The United States, in those early years, recognized its vulnerability against both foreign nations and Indian tribes. The Founding Fathers recognized that without an Indian alliance, the unity of the new Nation was in jeopardy. To that end, the first Indian treaty between the Continental Congress and the Delawares was signed in 1778.[9]

With treaties, the United States vowed that: "The utmost good faith shall always be observed toward Indians; their land and property shall never be taken from them without their consent."[10] The fact that such promises were never kept does not negate their original meanings nor the legality of such duly enacted laws.

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[7]The U.S. Constitution, Article VI, Section 2, provides: "This Constitution, and the laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the Supreme Law of the Land, and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding."

[8]For a comprehensive discussion of Indian treaties, see Felix S. Cohen, Handbook of Federal Indian Law (1982), *op. cit.*

[9]S. Layman Tyler, A History of Indian Policy (Washington, D.C.: U.S. Government Printing Office, 1973), p. 34.

[10]The Northwest Ordinance of 1787, ratified by the First Congress in 1789, Act of August 7, 1789, 1 Stat. 50.

INDIAN REMOVAL: 1828-1840

The 1830's brought a radical change in the federal policy of the new American government toward Indian nations. The trickle of immigration across the ocean had become a flood and the demand for land and the resources of the land soon overshadowed the "good faith" promised not 50 years earlier. In 1828, Andrew Jackson was elected President of the United States, largely on his reputation as an Indian fighter. Federal policy became formalized as one which would facilitate the removal of all Indian people east of the Mississippi River to the "unsettled" American west.

After the War of 1812, the American government recognized that the United States was strong enough to stand on its own. The notion of Indian nations as allies was rapidly being replaced by the view that these tribes were barriers to national growth and development.

In 1830, Congress passed the Indian Removal Act[11] which gave President Jackson authorization to "negotiate" with eastern tribes for their relocation west of the Mississippi. The motives for wishing to transplant whole cultures were certainly many, not the least of which was the discovery of gold on Cherokee land in Georgia.

The state of Georgia, in 1828, passed legislation extending her laws on the Cherokee whose land was within the boundaries of the state. The Cherokee resisted the attempts to have "state's rights" applied within their lands and sued the state of Georgia. In a landmark decision, the Supreme Court (1831), under Chief Justice John Marshall, held that the Court had no jurisdiction because the Cherokee Nation was not a "foreign nation" within the meaning of Article III, Section 2, the Constitutional grant of judicial power.[12] In the process, Justice Marshall set forth the opinion that Indian nations were "domestic, dependent" nations, no longer wholly autonomous, but subject to the plenary power of the federal government.

Cherokee Nation v. Georgia, however, did not resolve the issue of whose laws were the laws of the land in the state of Georgia. The next stage of the Cherokee-Georgia conflict, while proving a victory for the Cherokee, sealed their doom.

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[11]4 Stat. 411.

[12]*Cherokee Nation v. Georgia,* 30 U.S. (5 Pet.) 1, 8 L. Ed. 25 (1831).

Samuel A. Worcester was a missionary arrested for violating a Georgia law which required any non-Indian resident of the Cherokee Territory to obtain a license from the Governor of Georgia. Worcester was convicted and sentenced to four years of hard labor.

Worcester's petition for appeal was accepted by the Supreme Court for review and on March 3, 1832, Chief Justice Marshall, speaking for the Court, held against the enforcement of state law to the extent that it interfered with the exclusive power of the federal government to regulate Indian affairs.[13]

While the Cherokee won the battle, they were destined to lose the war. Jackson is reputed to have said, "John Marshall has made his decision; now let him enforce it."[14] Jackson refused to enforce the Worcester decision and, having already authorized the removal of the Cherokee by the Bill of 1830, succeeded in seeing their departure from their homelands in Georgia, North Carolina, and South Carolina to Indian Territory (now Oklahoma).

The struggle between the Cherokee and Georgia was over, and 16,000 Cherokee were forcibly removed to Indian Territory in 1838. In what is now known as the "Trail of Tears," nearly one-fourth of those Cherokee, under military escort, marched through the winter to their deaths.

Those that survived had to begin anew in a strange land. They were forced to leave behind their land, homes and equipment, all of which were taken by whites who now enjoyed the fruits of Cherokee labor.

What is especially ironic about the Cherokee Removal is that the Cherokee had met or exceeded all measures of "civilization" of the time. An active newspaper, the Cherokee Phoenix, began publication in 1828, in both English and Cherokee. (Sequoyah had earlier created the Cherokee alphabet, allowing thousands of Cherokee to read and write in their native tongue.) Cherokee plantation owners grew cotton and tobacco, with the assistance of black slaves. Cherokee medical doctors and Cherokee lawyers were trained in white schools and returned to practice among their people.[15] The Cherokee's greatest sin was perhaps that of becoming too civilized.

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[13]*Worcester v. Georgia*, 31 U.S. 515, 548 (1832).

[14]Whether Jackson made the statement or not is academic; the sentiment is accurate. For discussion on this subject, see Marquis James, The Life of Andrew Jackson (New York: Bobbs-Merrill, 1938), p. 603.

[15]Howard Zinn, A People's History of the United States (New York: Harper Colophon Books, 1980), pp. 135-136.

INDIAN COUNTRY

Indian removal was deemed necessary as Indian nations proved to be a barrier to westward expansion. Lands in the "settled" east were now in demand as the frontier reached and exceeded the Ohio Valley of the midwestern United States. Surrounded by non-Indians and resisting assimilation, American Indians had to be removed for their own protection, or so reasoned Jackson. Indian Territory was thought to be an ideal final home for all American Indians. It was empty of non-Indians and thought to be uninhabitable.[16] The image of the Great Plains was that because it was semi-arid and treeless, modern agriculture could not be adapted to this desert of prairie grass, buffalo, and savages.

The idea of a separate "Indian Country" had been considered as early as the French and Indian War. Removal made it possible to actuate this concept. Oklahoma, Kansas, Colorado, Wyoming, Montana, and the Dakotas would be, after the 1830's, the last home of the American Indian.

Unfortunately for the American Indian, nothing lasts forever. While the Plains area was not yet desired, lands in Oregon, Washington, and California were. Settlers crossed the Plains first via the Oregon and Santa Fe Trails, and later on the Union Pacific and Northern Pacific railroads -- killing game and spreading smallpox and cholera, which wiped out whole tribes (a consequence suffered by the Mandan). The Plains Indians could not "see" this new enemy which attacked them from the inside, but they correctly reasoned that the source for the disease was the light-skinned invaders from the east.

The battles are well chronologized. The Oregon and Bozeman Trails were closed, and settlers were prevented from reaching the gold fields in California (1849), Colorado (1855), and Montana (1862). Military presence on the Plains to protect traffic across the prairie invited conflict. In some cases, Indian tribes were the temporary victors, eventually losing the war to the military might of the

[16]Perhaps no one better expressed the dominant opinion than Zebulon Pike, who wrote The Expeditions of Zebulon Montgomery Pike, ed. Elliot Couse (New York: Francis P. Harper, 1895): "But from these immense prairies may arise one great advantage to the United States, viz: The restriction of our population to some certain limits, and thereby a continuation of the Union. Our citizens being so prone to rambling and extending themselves on the frontiers will, through necessity, be constrained to limit their extent on the west to the borders of the Missouri and Mississippi, while they leave the prairies incapable of cultivation to the wandering and uncivilized aborigines of the country" (Vol. 2, pp. 524-525).

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American government. Ironically, such Indian victories as Custer's defeat at the Greasy Grass (Little Big Horn) only served to quicken the Plains Indians' removal from the open plains to the reservation.

THE RESERVATION SYSTEM: 1850 TO PRESENT

Federal Indian policy in the 1850's was one which promoted the segregation of Indian people onto tiny islands of land (reservations) undesired by non-Indians for any purpose. By 1900, the last of the wild bison (which were estimated in 1850 to number 60 million), were exterminated. The bison had to settle for a fate not unlike that of the Indian -- treated more like a museum specimen than a being. Without bison, the Plains Indians were forced to accept government issue of beef and other rations and were denied freedom to leave the reservation. The Plains Indians soon became dependent upon the government and were powerless to live any other existence save that which the government chose for them. Since the Indian failed to assimilate peacefully and could not be exterminated, the last salvation of the "savage" was forced assimilation.

As most westerners in 1890 were farmers and ranchers, it is this model that the government wished the Indian to adopt and emulate. In order to assimilate, the Indian would have to become a farmer and till the soil, a lifestyle as foreign to many Plains Indians as flying.

THE GENERAL ALLOTMENT ACT: 1887-1934

In order to promote this lifestyle, Congress needed a system which encouraged individual land ownership rather than the communal system as existed among Native people before the arrival of Columbus. The passage of the General Allotment Act,[17] or Dawes Act, provided the vehicle for the "elevation" of American Indians by making them land owners.[18] In order to accomplish the

[17]24 Stat. 388, as amended, 24 U.S.C. && 331-58.

[18]For an extended discussion of the General Allotment Act, see S. Layman Tyler, A History of Indian Policy, *op. cit.*

task of civilization, the reservations were surveyed and allotments of 160 to 320 acres were assigned to individual Indians to farm. These allotments were held in trust by the government for 25 years, after which the Indian allottee would be granted free and clear title to the land.

Allotments were made at nearly all reservations from 1887 to 1933. On some reservations, surplus land (left over after each Indian entitled to an allotment had received one) was opened for homesteading to non-Indians. White homesteading on reservation land was encouraged as it was felt that Indians would benefit from the example set by their white neighbors.

The effects of this policy are nowhere better illustrated than on the Flathead and Fort Peck Reservations of Montana. Because the Flathead Reservation is attractive as a recreational and scenic resort area, when the surplus lands were made available in 1912, thousands of people rushed to take up homesteads among the Indians.[19] Currently, Indian people own only 51 percent of the reservation land.[20] A more dramatic and revealing statistic is that of the 19,750 residents of the Flathead Reservation, only 3,271 are American Indians.[21] On the Fort Peck Reservation, non-Indians own 55 percent of the reservation land.[22] The American Indian is denied use of even that land set aside for their benefit by the federal government.

It seems to be the philosophy of the American government that land must be used in a "civilized" way in order to make prudent use; it must be exploited for the maximum gains possible. It is better that non-Indians farm the land than for it to be "wasted." The government encouraged Indians to lease their land to non-Indians as, in many cases, the Indians simply grazed horses on their land, a commodity with no economic value. In addition, the 25-year trust period ended on some reservations and, because many of the traditional Indian people were unfamiliar with the laws and requirements of property ownership, they lost their

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[19]Burton M. Smith, "The Politics of Allotment: The Flathead as a Test Case," Pacific Quarterly (July 1982): 138.

[20]U.S. Department of the Interior, Bureau of Indian Affairs, Natural Resource Information System: Inventory and Production Report, Report No. 55-38-X, Billings (Montana) Area Office, FY 1982.

[21]William L. Bryan, Jr., Montana's Indians: Yesterday and Today (Helena, MT: Montana Magazine, Inc., 1985), p. 120.

[22]U.S. Department of the Interior, Bureau of Indian Affairs, Report No. 55-38-X, *op. cit.*

land due to nonpayment of taxes, or sold their land to pay back debts or in order to get money upon which to survive. Thus, the final steps were taken to remove the Indian from the land altogether. With no reservation land, many Indians gravitated to the cities and to a life of poverty and pity. But Indians could take their proper place as citizens of the United States; the only problem was that American Indians were not accorded United States citizenship until 1924.[23]

INDIAN CITIZENSHIP: 1924

It is ironic to note that the American black was granted United States citizenship in 1870 by the Fourteenth Amendment to the Constitution; yet American Indians remained outcasts in the country of their nativity until citizenship was extended to all Indians in 1924. Citizenship was granted as reward for Indian participation in World War I. Not until 1924 were Indians allowed to participate in the rights and privileges of citizenship that the United States so loudly boasts makes her a democracy.

In one sense, the acquisition of United States citizenship was a further erosion of American Indian sovereignty. While allowed dual citizenship (tribal membership), American Indians are still bound to the absolute authority of the federal government to which they are a reluctant part.

BOARDING SCHOOL SYSTEM: 1887 TO PRESENT

To aid the "civilization" of Indian people as citizens, the federal government established the Boarding School system of education. Beginning in 1887, the Boarding School system offered the only vehicle for Indian children to receive a formal education, as public schools refused to admit children whose parents paid no taxes to support the schools.[24] While the Indian Service (the ancestor of the Bureau of Indian Affairs) promoted education, the cost was extremely high. A

[23]42 Stat. 253, codified as 8 U.S.C. & 1401(a)(2).

[24]In 1887, the Dawes Act was newly passed and the trust status of reservation land confirmed a nontaxable state upon that land. Reservations are part of the federal domain, as are national parks and forests, for example. The federal lands are not taxable, a status extended to Indian reservation land.

greater cost than monetary was the irreparable damage to Indian culture, as the Boarding School system facilitated the loss of traditional native lifestyle. Children, some as young as six years of age, were taken far away from home and family to boarding facilities. There they were prevented from speaking their native tongue and continuing to practice their native ways. The ultimate result, hoped the federal government, was the Indian children would adopt non-Indian ways.

As the curator of this system, Captain Henry Pratt, the first superintendent of the Carlisle (Pennsylvania) Indian School, exemplified this theory when he said:

> A great general has said that the only good Indian is a dead one, and that high sanction of his destruction had been an enormous factor in promoting Indian massacres. In a sense, I agree with the sentiment, but only in this: That all the Indian there is in the race should be dead. Kill the Indian in him, and save the man.[25]

This policy clearly singled out Indian culture as inferior, and thus the discriminatory practices of cultural genocide were justified. The loss of heritage cannot be recaptured or replaced, so languages died, never to be reborn as the American Indian was "civilized."

THE MERIAM REPORT: 1928

That conditions for the American Indian on the reservations were deplorable could not be denied. Studies, such as the 1928 Meriam Report,[26] pointed out the obvious. The first sentence of the Meriam Report stated that "an overwhelming majority of the Indians are poor, even extremely poor, and they are not adjusted to the economic and social system of the dominant white civilization."[27]

To date, the picture colored by this particular report has not changed radically since its publication in 1928. Meriam observed that there were only 16 nurses for a service population nationwide of over 3,000,000 reservation Indians

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[25]Francis Paul Prucha, ed., Americanizing the American Indian (Cambridge, MA: Harvard University Press, 1973), pp. 260-261.

[26]Lewis Meriam et al., The Problems of Indian Administration (Baltimore, MD: Johns Hopkins University Press, 1828).

[27]*Ibid.*, p. 3.

and that the literacy rate for Arizona Indians showed a 67.8 percent illiteracy.[28] The American Indian was clearly the "poorest of the poor."

THE INDIAN REORGANIZATION ACT: 1934[29]

The answers to these problems were not proposed until 1933, when John Collier was appointed Indian Commissioner. The crowning achievement of his administration was the passage of the Indian Reorganization Act (IRA), also known as the Wheeler-Howard Act.[30] The provisions of the IRA included the ending of the allotment system and the restoration of "surplus" lands to tribal ownership. More importantly, the IRA encouraged individual tribes to adopt constitutions and organize as federally chartered, self-governing corporations.

Although usually considered benevolent, the Indian Reorganization Act has also been criticized because it represents an Anglo-American model of government which is not always compatible with traditional methods of government employed by the tribes before the coming of the white man. More controversial is that these constitutions given tribes for adoption granted powers of control and approval to the Secretary of the Interior, through the Bureau of Indian Affairs. This is not self-government. If the federal government does not agree with a decision arrived at via democratic means by a tribal government, the Secretary of the Interior can simply negate the decision.

TERMINATION: 1953-1968

During the 1950's, Congress abandoned the idealistic goals of self-government for Indian tribes as mandated by the IRA. The new policy, labeled "termination," called for the elimination of federal benefits and services to certain tribes and the forced dissolution of their governments and their reservations.[31]

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[28]*Ibid.*, p. 346.

[29]For a more complete discussion of the importance of self-government, see Kenneth R. Philips, Indian Self-Rule: First-Hand Accounts of Indian-White Relations from Roosevelt to Reagan (Salt Lake City: Howe Brothers, 1986).

[30]48 Stat. 984, codified as 25 U.S.C. & 461 et seq.

[31]See Tyler (footnote 18, above), pp. 168-181.

In the decade to follow, Congress terminated assistance to over 100 tribal groups, ordered the dissolution of their governments, and the liquidation of all tribal resources to be redistributed to individual members. This was done to "free" the Indian from the federal government; to allow Indian people to be rid of "all disabilities and limitations specially applicable to Indians. . . ."[32] Indians so "freed" lost not only their homelands and resources, but those rights and privileges protected by treaty and federal law. They even lost the right to claim Indian citizenship and ancestry. Tribal members so terminated, instead of standing as free individuals, sank deeper into the depths of the melting pot and into a "culture-less" and impoverished existence of so many other homeless. Termination became just another word for extermination.

THE INDIAN SELF-DETERMINATION ACT OF 1975

Ironically, the current federal Indian policy, Indian Self-Determination, has "termination" as a root word (and, just as ironic, perhaps even the same desired outcome). However, American Indian tribes have latched onto the concept of Self-Determination as a synonym for self-government, the ultimate expression of their sovereignty.

Self-Determination is the most important recent legislation affecting Indian tribes.[33] The Act authorizes the federal government to contract with and make grants to Indian tribes and other Indian organizations for the delivery of federal services. Under this Act, the Blackfeet Tribe can contract to administer the law and order system, education, or any of the dozens of programs previously managed by the Bureau of Indian Affairs.

For tribes, the Self-Determination Act allows councils to contract services in correlation to their ability (and desire) to do so. Unlike termination, where the Bureau withdrew in relative haste, Self-Determination gives tribes the choice to contract for one program, none, or all of them. Moreover, the financial obligations for such services are not burdens which tribes must shoulder

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[32]House Concurrent Resolution 108, the 83rd U.S. Congress, 1953.

[33]The Indian Self-Determination and Education Assistance Act of 1975, 25 U.S.C.A. && 450a-450n.

suddenly; the Bureau allocates the funds as it would if the programs were not contracted.[34]

Tribes have heralded Self-Determination as the most positive piece of legislation in the last 50 years. It is said that Indian Self-Determination is the only means by which the tribal governments established by the Indian Reorganization Act can survive.

CONCLUSION

Policies of the federal government have generally ceased to discriminate against Indians as individuals. The signs in stores of towns adjacent to Indian Country no longer read "No Indians or dogs allowed," as they did 20 years ago. However, it is arguable that the policies outlined in this brief history are proof of discrimination by the federal government against Indians as nations of people. Since the arrival of Columbus, Indian people have seen the erosion of their sovereign powers as independent political entities or nations to the status of almost total dependence on the federal government for their very existence.

An obvious question is always addressed to Indian people: *If the reservation system is so bad, why stay?* While a fair question, the answer is not so simple. It is admitted by most reservation residents that great improvements ought to be made to enhance the quality of life on the reservation. Suggestions that the Indian could simply move are met with great horror. To the Indian people, the reservation is home. It is a place of cultural roots and comfort. On the reservation, an Indian does not feel like a minority; in fact, it is the white man that is the minority on many reservations. Even those Indian people who intend to leave and those who have left express a desire to return "home" someday. They may live in Chicago or Denver, Dallas or New York City, but the reservation is the only true home they have or ever will have.

The bottom line is that the reservation is not going to go away, nor are Indian people. The interest is to develop the reservations and to improve the quality of life there without further loss of cultural heritage. After years of isolation and alienation, American Indians wish to maintain that for which their ancestors sacrificed so much.

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[34]The Bureau of Indian Affairs contends that its role is now advisory, delivering technical assistance to tribes, rather than a patriarchal institution. Tribes, however, tend to disagree, suggesting that the initials *B.I.A.* still stand for "Boss Indians Around."

TRIBAL GOVERNANCE PANEL

Held During
Native American Awareness Week
Montana State University
Bozeman, Montana

May 1989

PANEL MEMBERS:

- Dr. Tom Wessel (Moderator) -- *Professor of History, MSU*
- Raymond White Tail Feathers -- *Chairman, Assiniboine-Sioux Tribes*
- Rocky Stump -- *Chairman, Chippewa-Cree Tribe*
- Dr. Patrick Morris -- *Professor of Native American Studies, MSU*
- Marvin Weatherwax -- *Secretary, Blackfeet Tribe*
- Mickey Pablo -- *Chairman, Confederated Salish-Kootenai Tribes*

TRIBAL GOVERNANCE PANEL

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Held During Native American Awareness Week
Montana State University, Bozeman

May 1989

TOM WESSEL (Moderator). We have a distinguished panel this evening and let me introduce them. To my far right is Raymond White Tail Feathers, Chairman of the Sioux-Assiniboine in Montana. Sitting next to him is Rocky Stump, Chairman of the Chippewa-Cree; next to him is Dr. Patrick Morris who is a professor of Native American Studies here at the university; sitting next to him is Marvin Weatherwax from the Blackfeet and sitting next to him is Mickey Pablo, Chairman of Flathead. So we have a distinguished panel this evening to discuss tribal government: yesterday and today.

In 1889, the Commissioner of Indian Affairs, in his first Commissioner's report stated, "The Indians must conform to the white man's way -- peacefully if they will and forcefully if they must. The tribal relationship must be broken up, socialism destroyed." Well, what he was talking about was a piece of legislation that passed just a few years earlier -- the Dawes Act. The Dawes Act was intended to destroy tribes. It was not until 1934 that the government would take a new view, and a different view of what tribal government and what tribes and reservations were all about.

In 1934, John Collier, another Commissioner of Indian Affairs, noted in his second annual report that in the past "they" (meaning the tribes) had managed their own affairs effectively whenever there was no white interference for selfish ends. They can learn to do it again under present conditions with the aid of modern organization methods once they realize that these organizations will be permanent and not subject to the winds of changing administrations. The results should be the development of Indian leadership capable of making the Indian tribal organizations and corporations function effectively with a minimum of governmental interference. Collier spoke to that as a kind of Magna Carta for the American Indians; a new lease on life for Indians to begin to govern their own affairs; and, of course, it made the allusion, too, that these would be permanent and not simply subject to the winds of passing administrations. Well, even in a shorter period of time between the Dawes Act and John Collier in 1952, another Commissioner of Indian Affairs, Dillon S. Meyer, who had come to public attention

primarily as the Director of what was called a relocation program, not associated with American Indians but, in fact, the internment of Japanese Americans in the United States, so he seemed to have had significant experience in directing other people's lives -- would write this: "Tribal government stifled development toward independence thereby hindering their progress toward becoming middle-class Americans." What he was talking about was a program called "termination." Termination would be the rallying cry of the federal government in the 1950's, and, although in a somewhat more benign form, would continue well into the 1960's. Then, in 1970, not a Commissioner of Indian Affairs, but the President of the United States, Richard Nixon (and I must admit that I have had a life-long antipathy toward Richard Nixon); nevertheless, once in awhile you find even those for whom you have a great deal of antipathy doing something right, and in 1970 Richard Nixon specifically opposed termination and supported what he called "self-determination." In the years since, self-determination (as the term would suggest) has acquired a somewhat ambiguous meaning. Certainly, it is not termination in the sense that it would dissolve the relationships of tribal governments as soon as possible (which was certainly what Dillon S. Meyer had in mind), but it may be that in our time self-determination is becoming better described as "self-termination." That is, allow the tribes themselves to determine when termination takes place. It takes on an ambiguity -- not so much support of tribal government, but perhaps simply saying, "Well, we will assume that you guys will determine when tribal government comes to an end." I would speculate that is the relationship that has existed between the federal government and the tribal governments, at least up to this new administration.

Just last night, the nominee for Assistant Secretary of Interior (the old Commissioner's position), Mr. Brown, President Bush's nominee for the office, in a speech in New York, used the term "self-determination" 18 times in a one-hour speech without ever quite defining what he meant. It was on the Native American news just this morning. And so self-determination apparently is still the key word that the administration is going to use, and it may be that one of the tasks the tribal governments have is to figure out what they mean by that term.

Well, without further adieu, we should let the experts on this subject speak to it. I would like to ask our panelists, beginning with Raymond White Tail Feathers on the end, if they could give us about five minutes each, if you would gentlemen, on the nature of tribal government within your jurisdiction and how you see it functioning at present.

RAYMOND WHITE TAIL FEATHERS. Thank you. My name is Raymond White Tail Feathers, Chairman of the Assiniboine-Sioux Tribes. I think before I make a statement I would like to tell you a little story. This is going to take just a minute. Years ago, when the reservation was first set up, this tourist came through there (of course, they had roads through the reservation), and it just happened that these tourists came through our Indian reservation at Fort Peck in northeast Montana. They were driving along Highway 2 through our reservation when they saw an Indian riding on a horse and behind him, a woman following him. They assumed that was his wife. The tourist looked at the Indian riding a horse and the woman behind and she said to her husband, "Well that isn't a good example of a noble, proud Indian. He is riding a horse and his wife is walking behind him. I think we should find out the reason for that." Finally, the husband consented, "Okay, we will stop and we will ask the chief why he is riding a horse and the woman is following behind him." So they did. They motioned to the chief and got him stopped and they asked him, "Chief, how come you are riding the horse and your wife is walking behind you?" He looked at them and he turned around and looked at his wife and then he looked back at them and said, "Wife don't have a horse."

I think that is an example of the differences in culture and, as it was pointed out, the administration at different times has come up with various different programs for Indians. I think most of us on reservations and those of us who have been in leadership know what that is. We are guinea pigs for the federal government. All of these federal programs that have come down were designed to accomplish something that the federal government thought they would accomplish with those federal programs which never happened. What really has happened as a result of that? Indians have become marginal. On our reservation, because of the 1877 Dawes Act, and later the 1908 Allotment Act (and that was really a poor decision there), our tribal leaders at the time were unaware of what they were getting into when they allowed the 1908 Allotment Act on the reservation. They were misinformed and they allowed it and as a result of that, half of our reservation went out of trust. Which means we had 2.2 millon acres which the tribe owned and as a result of that we had less than a millon acres after the 1908 Allotment Act. Now, if we want to talk about jurisdictional problems, the federal government was the one that caused the jurisdictional problems. They allowed this to happened. They forced the issue, they wanted this to happen and it happened. I read the report of a Major Scobey who lived on our reservation, a little town north of where I am from about 30 or 40 miles, and he wrote to Washington, and he was encouraging Congress to remove the Assiniboine-Sioux

from the Fort Peck Reservation. He recommended moving the Assiniboines to Fort Belknap and the Sioux to Standing Rock because they wanted the land there on the Fort Peck Reservation. These are the types of situations that took place that I believe led to the problems the tribes had. These types of decisions were all based on what we call greed, I guess. And that is still in place, and that has never changed, and the tribes had to cope with this. It is very difficult because, as we all know, the Supreme Court in their recent decisions are making decisions in favor of the state. Maybe I am taking a little too much time, but I also want to share this with you. I also have a son who is going to Dartmouth. He has a class there in Native American Studies and he is one of the few Indians in that class. The majority are white, and what they are saying is: "Why don't they terminate the reservations? It would be more simple and it would do away with all the problems that exist." That is someone looking from the outside on the inside trying to decide what is best again. The federal government has been doing this all these years. We talk that the federal government is trying to push this self-determination down our throat. What I feel needs to happen is the tribes need to find what self-determination is for themselves. And I believe in a sense that we are doing that. I believe tribes eventually will exercise the sovereignty that they have. We are beginning to do that out at Fort Peck Reservation. One of the things I feel that has been a stride forward for the tribes is we have been entering into contracts and agreements with the states in certain areas to solve the jurisdictional problems. I believe that is the answer instead of confrontation and instead of litigation in some cases. That is the more sensible way to decide jurisdictional issues.

On our reservation we are into economic development. We have the A&S industry. I believe that it is the largest industry in northeast Montana, and maybe Montana. We employ over 440 people there. We have contracts in place up until 1992. We have defense contracts in the camouflage and medical areas. So the Fort Peck tribes are well on their way to establishing a good economic development program for the tribes. We are also dealing with the alcohol and drug area. We are building a youth center on the reservation. We are dealing with child abuse, sexual victim abuse, and so forth. So I feel that the tribes are capable and given time will be able to deal with all the problems and issues that confront us on the reservation. Thank you.

ROCKY STUMP. First of all, I would like to thank the people for asking me to serve on this panel on behalf of the Chippewa-Cree Tribe. I think all of the tribes

here in the state of Montana are pretty much -- we are under what the gentlemen mentioned here -- Public Law 93-638. It's different programs. We go to this 638 contracting program such as education, law and order, water rights. You name it, we have a contract. We have our own tribal high school which is through a 638 contract with the federal government. This is our first year. The total enrollment of that high school is 91 students and 20 will be graduating seniors this year. But getting back to this other issue, as far as the state negotiating in the area of water rights. There is mention here of jurisdiction. That thing has to be settled yet. The tribes have to meet with the Compact Commission on the water rights issue. It's an ongoing thing. Hopefully, someday we'll get a chance to say we own the water as the tribe.

And speaking of economic development, we just had a grand opening here Monday in Havre. We went into a partnership -- Fort Belknap Reservation, Rocky Boy's, and the Miser Brothers. Two tribes bought the manufacturing part of the Big Budd there in Havre. We hope we will continue on here as planned for that project. This is something that both tribes worked through economic development through BIA and the Housing and Urban Development -- through a grant to acquire the funding that was needed to get this project underway. I think my time is up, and I will turn it over to the next gentleman here.

DR. PATRICK MORRIS. Since I am from the Irish Tribe [laughs], and you know the Irish don't have any jurisdiction, anywhere, what I will do will be to restrict my comments to a tribe that I have been working with for the past 13 years, and that is the Chief Little Shell Tribe of Montana. These Indians are primarily landless Indians; 9½ million acres of land in North Dakota was stolen from them by the federal government and the Court of Claims has now agreed that, in fact, that was stolen in 1892. This tribe has had a terrible history of hardship in this state. Having no jurisdiction, having no recognition from the federal government as even being Indians, and they have now applied for federal recognition, federal acknowledgment as an Indian tribe, and have set up offices in Havre as a tribal clearing house. So the hope is that over the next couple of years, the petition is before the Department of the Interior, and if that happens, then there will be a new tribe in the State of Montana and, therefore, new issues of jurisdiction will arise from that. I certainly hope that happens.

MARVIN WEATHERWAX. I am the Secretary of the Blackfeet Tribe. Just a little bit on our tribal structure. Our tribal structure consists of nine councilmen who are elected every two years from four districts on the reservation. We have an executive committee with a chairman, vice-chairman, secretary and treasurer who are members of the executive committee. We have just a little over 13,000 Blackfeet Indians and about 8,000 live on the reservation. The remainder of the Indians live in various cities throughout the United States. There is a huge concentration in Portland, Seattle, and the Yakima area. We have about 1.5 million acres of land on our reservation. In recent years, the trust land on our reservation was growing smaller and smaller, and about five years ago we had a judgment claim. Out of the judgment claim, we drew up a plan and 80% was given out as per capita payment. Twenty percent of that claim was kept for education and purchase of land, and that was split in half. The 10% that was kept for the purchase of land was invested and some loans were taken on it and all. We managed to buy back a large part of the fee land on our reservation. We are continuing to do that. We have a long way to go in getting that completed. We are working on that -- on getting the land base back. As with most other reservations, the land base for the Indian tribe is very important. If you don't have a land base, you pretty much don't have anything. Along with that, one of the things that is very important to all the Indian reservations is the water. If you don't have the water, the land isn't all that good. The Blackfeet Tribe, I believe, is the only reservation right now that I know of that isn't in active negotiations with the state of Montana on the water rights. It has been a very controversial issue throughout the Blackfeet Reservation with the members and also with all of the tribal leaders for several years. The elders are very concerned about this. We've been given all kinds of seminars and training sessions telling us we better go and negotiate on your water rights. If you don't, you will go to litigation and sure as hell you are going to lose, lose everything. That is to be seen. That is an issue that we are now addressing. I believe it will be an issue we will be addressing for quite some time to come.

I believe that before the state or federal government can really get into telling us we had better go to court to negotiate our water rights or any other rights, one of the things that we feel they have to negotiate with us is part of our land base. We have a huge area of land that we call the Blackfeet Unit. They have another name for it, but I don't remember what it is right now since we have forgotten it. But it is on the western boundary of our reservation. We believe it belongs to us. We know it does. They believe contrary. They have given us some rights to a treaty, certain rights to the land. But the majority of the Blackfeet people feel that

we don't only want rights to practice our religious freedom or to use the timber or the resources, but it is our land and we need to have that back. Along with our western boundary, during the time our surveyors went in and did the survey on our land, I guess they did it according to the instructions they were given. And through a lot of research and all we discovered the instructions given by Congress way back then were erroneous. As a result of that, we lost 350,000 acres of land that consists of some prime timber land along the mountain front. We are going to be talking with the federal government to try to recoup some of that land, if not all of it.

Another issue that is very important to the Blackfeet Tribe is something that just surfaced recently, and that is our natural resource taxes that are put on by the state. As many of the Indian people here know, production on both Indian reservations has either come to a halt or is very slow or is going backwards. A lot of that is caused by the taxes put on companies that come on the reservations to do exploration or to do any building. Taxes in the state of Montana are amongst the highest in the nation. That has caused almost all of the companies that I have talked with to want to just turn around and walk away and go somewhere else. It is actually cheaper to have any production work off the reservation than on the reservation. One of the avenues that we are trying to take on, that is have the state levy and collect all the taxes they want to, but we want to have the voice in saying what happens with the money once it is collected -- money that is collected from our reservations. We feel that by doing that we give oil companies, mining companies, or whatever natural resources we are dealing with -- we can get them incentives in the form of tax breaks to come on the reservation to promote some of our natural resources, which we have been told are being depleted, but I believe that is quite the contrary.

On the Blackfeet Reservation there is economic development. Right now we have the Blackfeet Indian Writing Company which employs about 125 people right now. We make pencils and pens and several other writing instruments, felt markers and all. I'm not sure when that started up; it was in the 60's, 1969 I believe. One of the prime examples of some of the things the federal government does to the Indian reservations when they are attempting to make some headway in economic development. There had been a whole lot of loans and financial management planning that was done when that was put into place. That was like many of our other federal programs (I shouldn't name them but I will), such as the Farmer's Home Administration and some of these others that pretty much are set up to ensure that you fail. Throughout Indian country, I'm sure you can dig up many

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such programs. But through a lot of trial and error and some help from some of the federal people and a lot of help from many of the Indian tribes and many of the Indian people who have gone on to school and graduated from college and came back and gave us their expertise, we are turning that around. The company was several million dollars in debt. This is the first year that the company has been in the black since it started. We are looking forward to many more years like that. We also have (ACA) Company -- the Advertising Company of America. It is a calendar company that was in Holyoke, Massachusetts. We purchased the company and moved it back to the reservation. While the company was down there, they were hit by strike about a year before we purchased the entire company. The owner was a fellow from Hong Kong; he didn't really care about the things that were happening over here politically. He just wanted to make a whole bunch of money and split. He had been here for quite some time but he had enough of it and he wanted to make his money and split. He put it up for sale and naturally we saw a fantastic opportunity to buy something at a pretty good price -- so we bought it, not knowing that it was under turmoil at the time in dealing with the state and also dealing with the unions. It cost us a whole lot of money to finally settle the issue with the union. It is not completely settled, but it's almost settled. It is looking good for us now. Then we got the company moved back to the reservation. It is at the present time . . . we have not very many people working. We had put 175 people to work. We right now are getting everything in order and looking forward to a very good year next year. Things are looking up. We also have Heart Butte Industries which is out in the community of Heart Butte. They make gloves and various other equipment, protective equipment. They have been working with some very small projects in the past years and as a result of that they haven't grown a whole lot. And this next year we have about three projects that will probably double the size of Heart Butte Industries. We are hoping.

We have three elementary schools on the reservation. We also have a middle school and junior high school and Browning High School, which is known throughout the state for its fantastic basketball players and cross-country runners. We also have, in the higher education department, Blackfeet Community College. Right now we are running into problems with not enough room. There are a lot of students that need to go there and want to go there. We are very much in need of new facilities. However, the faculty and staff at the community college are as good as anywhere in the state of Montana or Western United States. That pretty much covers most of the things on the reservation. I could spend the rest of the night talking to you about some of the issues that have been and that

presently are, but I think I've touched on some of the major issues. There are some jurisdiction issues and other things that may come up a little later. That pretty much covers it. Thank you.

MICKEY PABLO. The Flathead Reservation was reserved by my people with the Treaty of Hellgate in 1855. And with the Treaty of Hellgate in 1855, we gave to the U.S. roughly 22 million acres which is now western Montana. The Confederated Salish-Kootenai Tribe was the first tribe in the nation to reorganize under the Indian Reorganization Act of 1934. Up until that time, the tribal elders and chiefs were the tribal government. But they could not get any satisfaction, they could not get their wishes acted upon by the federal government. At that time the Indian Affairs was under the Department of War. With the present structure of tribal government, we have 10 councilmen. Each councilman serves a four-year term. There are elections every two years with five councilmen elected. That way we have continuity to keep tribal government in place and keep it going. I think that is a benefit because whoever changes, whoever gets on there, someone remembers a mistake we made in the past. The Flathead Reservation is roughly 1.2 million acres; 650,000 are tribally or individually tribally owned lands. The rest of the land is owned by non-members through some of the results of the different acts we referred to earlier. As we move into the 1990's, the term "self-determination" is very significant. I think, as those stated before, self-determination is what we have to do as a people, as an Indian people. We will tell the federal government what is best for us. That has been the problem with all Indian policy in the past. Someone always comes in and says, "I know what is best for you." When an Act is taken upon by Congress, it is approved and goes into law; you have one blanket policy for all tribes as a nation. But each tribe is different and unique, and I think that is the key of self-determination. Each tribe has to determine what is best for its people.

A lot of these jurisdiction issues and everything that are coming now, people are saying that tribes are just getting power hungry. That is not getting power. What it is is just carrying out what is in the treaty, what was guaranteed us in the treaty, and what it says in our Constitution which was approved in 1934. Our treaties are based on the Constitution of the United States. That's why the United States has power to enter into treaties with foreign nations. The founders of the Constitution of our great nation were very proud and very fond of the Iroquois Great Law of Peace. The Iroquois Law of Peace is the basis that the founders of the U.S. Constitution used to outline the Constitution of this country. The political system

and everything is based on the foundation of the Iroquois Great Law of Peace. So we can all work together and there are many things we can do together, Indian and non-Indian. It is just going to take trust. And to get trust you have to sit down and start talking and we have all been able to do that. I think that is long enough. You probably have some issues to get into. Thank you.

TOM WESSEL. Let me pose this question to you gentlemen, if I may. How is the economic development, to which you all alluded, impacted by U.S. government policy as it relates to tribal sovereignty? How do you reconcile those two things?

RAYMOND WHITE TAIL FEATHERS. I am not sure of the intent of that question: How do the federal policies impact economic development on reservations? Presently what we are trying to do on Fort Peck Indian Reservation is . . . I'd say we are years behind in that area, mainly because of the trusteeship of the federal government. Because of federal programs in themselves, because of all the regulation and -- take the 638 program. This doesn't have anything to do with economic development, but in Public Law 638 the intent goes along with self-determination -- to allow contract programs. However, what didn't happen was tribes didn't get the technical assistance. I'm just using that as an example of federal programs and policies that regulate and control things on the reservation themselves. Presently what we are trying to do is set up an enterprise zone on our reservation which, if we accomplish this through HUD, then what we feel we will be able to do is attract outside industry onto the reservation by giving incentives. In that regard, if we are able to establish that, then the federal policy through HUD and setting up that enterprise will assist the tribes I believe in that regard. The other thing that the tribes on our reservation are attempting to do is to begin doing their own planning. We've had planning programs through the federal government (EDA). Through that program we have been able to set up tribal planning staff and programs, but again what we had to do in those areas was adhere to federal policies and regulations and so forth. I feel, in a sense, this has impeded real growth. What we are doing now is we have set up our own economic development commission. We are going to look at the whole spectrum in the broad area of economic development which will be social, industrial, business, etc. I believe that is where the tribes themselves will see real growth when they begin to implement their own plans and designs in those areas. What we have done is we have hired outside expertise to come in and assist us in those areas. Along with this, what we are going to do in the tax area . . . now this is a really controversial area. We know that the state is jealous concerning

the tax that they have on the reservation in regard to the oil and gas production, even on tribal property. It appears that what is going to happen eventually is the tribes are probably going to have to litigate that. However, I feel that what needs to be in place for the tribes -- and we are going to be doing -- is we are going to make an assessment of the tax that is on the reservation itself -- the state tax, county tax, whatever other tax that is in place. Make an assessment of that tax to decide where that tax is going so that we can understand it ourselves. The end result will be that the tribes themselves . . . and what we will do is set up our own tax base to regulate the tax that we impose. I feel that when that is done, then the tribes will be in a position to . . . what it will do is dispel the confrontation that exists in that area. I don't know if I answered your question, but that is my answer on it.

TOM WESSEL. Would any other panel members like to respond to that? I will repeat the question again. I suppose what is being asked here is: How does the tribal government feel constrained by the government in terms of its own economic development plans?

ROCKY STUMP. As far as the Chippewa-Cree Tribe . . . you mentioned tax, and I guess the Governor signed a bill here to get into areas that we are concerned about. We are in the process of creating a tax code where some of the tribes already have theirs in place. The law the Governor signed as far as oil and gas -- taxing the gas that is coming off of the reservation -- so to us that is going to scare the companies who come into the tribes to explore for oil and gas. And to other issues, as far as the gaming law that is coming up. The Chippewa-Cree Tribe, and I am sure these other tribes are as well, we have to sit down and negotiate with the state. As far as economic development, I am sure these other tribes can agree that as far as the Department of Interior and the BIA, you have these programs available, but there is never enough money when the tribe submits a proposal. They have what they called a matching. Tribes come up with 75% and they will come up with 25%. It's always a problem. We never had the money to match the program. It's an issue . . . I don't know where the tribe should go as far as the funding we get from the BIA -- it is never enough. Such as education; in our case we have some students that attend this university here. We are having a problem meeting the needs, you know. I just wanted to bring that out. From my experience (this is my second term as a tribal chairman), it is always a problem with the BIA. That is all.

PAT MORRIS. Let me make my remarks in a general and historical sense and my own personal opinions. One of the few attractive benefits of being in academics is you pretty much can say what you want to say. And that is, historically the federal government (and I think this can be a generalization) . . . when tribes make money through the use of their tribal sovereignty or their special relationship to the federal government -- the federal government re-writes the policies of the economic development so that those profits or those economic opportunities are removed. An example that was just mentioned by the gentleman next to me was the bingo -- the so-called gaming legislation. There are quite a number of tribes that got involved with licensing bingo operations or gaming operations on their reservation. Well, the problem was that they became too successful at it. They started making too much money and competing with the VFW, church organizations, and so forth; so immediately a piece of legislation was passed by Congress this last year to, in effect, regulate that. If you look at the southern part of Fort Belknap -- there was gold there, and so as soon as the gold was discovered, it was removed. When they found certain other valuable resources surrounding other reservations, they simply removed it. So the economic interest of the U.S. government policy is really not to support or bring about major economic changes on the Indian reservations. It has its own external agenda that really is supporting the interests of U.S. corporations and others. There was a recent example in the *Billings Gazette* of an oil company that has been systematically stealing approximately $11.2 to $12 million per year from Indian tribes where they have their oil wells and gas lines. So I guess in terms of looking at the federal government as being a source of inspired economic development planning, I would have to say that its record is really a matter of drastic failure and a disservice to its trust responsibility to the Indian tribes.

MARVIN WEATHERWAX. I have just a couple of comments on that. To begin with, just about every government that is and has been and will be is run on taxes -- taxes that are paid by the people that are in that country or within that government structure. The Blackfeet Tribe, and I believe many of the Indian reservations, support their members on money they make off of economic development -- off of their oil wells and off of their resources. Until we can get some other form of income, such as a form of taxing, the Indian reservations are going to be having a hard time in supporting their members. I don't know of any government that has tried or that has survived on using the money that they make to help support their government. This is something that many people, especially some of the governmental people, don't really try to understand that much. When

we go down to get money from the Bureau of Indian Affairs -- take for instance their 90% guaranteed loan -- the time that it takes to complete that transaction is enough time for two or three companies to start and fail. They have so much red tape and it takes so long to complete everything that by the time you have everything completed most of the energy that you had to begin with is gone. The regulations that are put before you to get some of these so-called free monies (such as the 75/25 program) -- just as soon as the Indian people started figuring out how to fill out the forms and how to do everything to get the money, they changed it and said, "We are going to give you a real good deal; we are going to give you a 60/40." That was fantastic if we could have gotten the paperwork completed in time before they cut that program off. Then they come and tell us, "Okay, we will give you a 90% guaranteed program." Practically anybody out there on the reservation . . . you ask them if they have any idea of what kind of an economic development program that the federal government has for you, and they couldn't tell you truthfully. They have them so scrambled around. We do know that they have the 90% guaranteed program, but for individual Indians that want to go out and start a business, what do they have? Do they have 60/40, 75/25, or just a 90% guaranteed program? These are some things as far as economic development hindering our ability to be a sovereign nation. The federal government has to allow us to collect the taxes and to deal with our people and all of the people on our reservations the same way they deal with the people in this state. They collect taxes off of our people and anybody that comes on that reservation and they use it for places off of the reservation and we get very little of it. I have just been doing some reading and I was unaware that we were getting so little. I knew we were getting just a little bit, but it is staggering the amount of money that is taken off the Indian reservations and not put back on. Thank you.

MICKEY PABLO. I need to thank everybody on the Council for going first, because I still haven't got a real good answer. One of the difficulties with economic development and how that relates with government is because government and business are two completely different entities. Governments are usually set up to provide services, and with economic development . . . it is very hard for a government to be into economic development. On the Flathead Reservation what we feel we have to try to do is to provide the opportunity for individual tribal members to get into business. It is very difficult any time you have a business and politics enter into it. If I have a cousin that needs to go to

work and he hasn't had that chance and I say, "Well, he should be working" -- and maybe he isn't the best person for the job.

To get back as an answer from before on the historical background. On the Flathead Reservation there are 550,000 acres that are owned by non-Indians on the reservation. It goes back to the time when farming was a very important industry for everybody in the nation. As you get federal policy, when things look good, then you start pulling away from Indian tribes. Historically, that has always occurred and there is a paranoia that has set up. A lot of times businessmen come in to work with tribes and the tribes think it sounds like a real good deal since that is what we have been wanting to hear throughout all of these years . . . is a good way to make money. That is what happened with our electronics plant. An individual came in and he made good money, but we didn't. It is very difficult to put the two together with economic development and how that relates to sovereignty. The Congress has plenary powers. That means that we are sovereign up to the point that Congress wants us to be sovereign. If we get into economic development and a big corporation with millions or billions of dollars goes back and talks to their Congressman and says, "Hey, we should do something different; the Indians are making money." Politics and money talk together and that is where it gets very difficult. I don't know if there is a good answer to that question. It is very difficult to deal with serving on the tribal council to have the tribes get into economic development, but it is a road that we all need to move down and get going. Because tribes, historically, have run their tribal programs (all of their operations) by selling a resource, and as tribal governments, there is that dollar to tax. The way we have been on the Flathead -- we have been fortunate enough to have a hydroelectric facility that we get a very good rental off of; we have a timber resource that we do very good. And so by running our tribal government, we use the dollar that you would usually be able to call profit if you were a business . . . we use that to provide services back to the people. A government to provide services and a business entity -- it is very difficult at times to balance the two out. Thank you.

TOM WESSEL. Let me, if I may, pose one more question to our panel and then I think it would be time to open the discussion to our audience as well. In line with what has been said so far, do any of you think that it is possible for tribes to influence policy at the federal level?

RAYMOND WHITE TAIL FEATHERS. I would like to follow up on that first question first because my mind is kind of in tune with it. One thing I want to go back to is that in 1832, Chief Justice Marshall made a decision concerning the case which involved the Cherokees in the State of Georgia. That happened to be a jurisdictional issue at the time. His decision, I believe, set the stage for the federal government's relation with the Indians. He defined the relationship as Indians were domestic, dependent nations. I think when you follow through with that, you see that has been the relationship that we have had all of these years. Congress makes, and the federal government has been making, decisions for us all of these years. We have sovereignty in a sense if we exercise it. I feel that is what the tribes need to do is zero in on it.

Going back to this question about how the federal government impacts economic development on the reservation and the sovereignty as well. I wanted to clear that out a little bit. One of the things that is clear, because of the federal policy and what has already been pointed out here, the federal government has really never assisted tribes in those areas. One good example is the Bureau of Indian Affairs. They have all kinds of experts in their agriculture department. I mean they have soil conservationists and so forth and they assist the tribes in those areas, but when it goes to the mineral resources, you don't have that. It's absent. You don't have any oil consultants, you don't have geologists in the Bureau. See, that is a nonrenewable resource. Once that is gone, then the tribes lose it and that is where the tribes could have made the most money in those areas. That is where the federal governments failed the tribes as a whole. Myself, I feel that the tribes are really going to have to get on the ball in these next years because of what has been coming down just recently from the Supreme Court -- from the decisions that they are making regarding jurisdictional issue in favor of the state. If this trend continues, to me it is an insidious way of again bringing on termination to the tribes. I feel that the tribes need to begin to assert themselves. We have sovereignty -- we need to assert that. What we need to do is to begin doing our own thing in the areas of economic development, and the tribes can do that -- but the Bureau isn't going to help us. What we need to do is begin bringing in our own assistants in those areas -- and it can be done. I believe all tribes have been influencing federal policies and decisions in Washington by going to their Congressman. I think there has to be a concerted effort on the part of the tribes. Now we have had several national organizations and national tribal chairman's organizations but they never followed through with that. That is what needs to happen; it needs to be a concerted effort of all tribes to begin asserting themselves in these areas of jurisdiction, of sovereignty, and so far as

civil rights are concerned -- I mean, you name it. I believe that is where it is at. The tribes have to begin getting together in unity to attack these areas where I believe we are losing our rights, where our rights are beginning to be eroded because of the decisions coming out of the Supreme Court.

ROCKY STUMP. Let me ask a question. What are you referring to when you say, "Is it possible for the tribes to influence policy at the federal level? What area? I guess we question the trust responsibility and in the past we had, you name it, resolutions, letters, trying to influence the BIA in different areas to the best interests of our tribe here at the Rocky Boy's Reservation. So far it passed . . . when you mentioned trust responsibility to the people, they used to smile at you -- but now when you mention trust responsibility, they look the other way. We have a tribal chairman's meeting here tomorrow starting at 9:00 and these are some of the things that I am going to be bringing up at the meeting. We need to do something here. I can only respond in that way.

PAT MORRIS. The political process in the country is based upon the assumption of majority rule. This makes any minority opinion or minority people extremely vulnerable to the institutional structure of power, both in terms of Congress and people being elected to Congress, the courts as well as the executive branch. I think there is a new avenue that is developing outside the U.S. that is extremely valuable and increasing in its value to tribes in order to deal with their extreme vulnerability within the federal system. That is international human rights and indigenous people discussions. There are now, for example, Indian-based groups that are called non-governmental organizations attached to the United Nations -- recognized by the United Nations -- that in fact are examining cases by the United States in violation of treaties, agreements and other protocols that they have written over the years with minority groups, particularly Indians, in the United States. I know most Americans would be surprised, for example, to discover that the United States is extremely embarrassed to send some rather important, heavy hitters to Geneva to fight it out with Indian people from the United States there that are testifying that in fact there is a violation of human rights and other issues for Indian tribes in the United States. It is equally as embarrassing to the United States as the situation in the Soviet Union with their minorities. So this vulnerability on the international stage I think is an important opportunity that must not be totally ignored by the Indian tribes, and it may be proved in the long run to be an important political tactic that is useful to the tribes.

MARVIN WEATHERWAX. I agree with quit a bit of what they just talked about, but the question that was posed was: Is it possible for tribes to influence policy at the federal level? It brings to mind something that I was told when I was quite young by my grandfather. As a matter of fact, I was there when this particular thing happened. Back in those days, the state legislators, the governors, and most of the people that were running the state of Montana would personally come to the reservation and visit with the elders. They would pick their minds and ask them what they thought about different ideas -- free advice in other words. This one time, this governor came to our house, and he was with one of our tribal members that was quite active in helping the state help themselves to the reservation. They stopped at the house and they came out and they had this . . . I don't know if you are familiar with Montana Mickey, but it is bottled whiskey that contains 2½ gallons of whiskey. My grandfather never drank alcohol. So they came up to him and they said, "Philip, we brought you something, a present." He looked at it and they told him they wanted to have a drink with him. He said, "Sure, I'll have a drink. It sounds good to me." I was standing there and I was real surprised because I knew he didn't drink. He took it and he looked at it and walked outside and opened it up. He told them . . . he said, "I have to have a drink with the spirits and Mother Earth first." They said, "Fine," you know, "and have a good drink." He went out there and he stood there and he was praying. As he was praying he was spilling out the whiskey. The governor and his helper there were getting pretty excited because he was spilling it and spilling it, and he kept going. Pretty soon all of the whiskey was gone -- he poured out the whole 2½ gallons of whiskey on the ground. They were a little upset and they asked him, you know, "Why did you do that? We were just going to give you a drink." He said, "Well, the spirits were thirsty." I asked my grandfather why he did that. He said, "You know, normally when they come around here they use that to influence us to say what they want us to hear." I asked him why he would do that and what is he. "Well, he is one of our leaders, one of the government leaders." I asked him where he was leading us (I didn't know what he was talking about), and he told me, "If he keeps bringing us this whiskey, he is leading us to hell." That goes along with this question, as far as the influencing. The Indian people have been influenced by all kinds of means. The answer to the question -- Is it possible for tribes to influence policy at the federal level? -- It is very possible and it is very necessary. There are several ways for the tribes to do that. A couple have been mentioned. One of them has been tried in the past, and it hasn't been as successful as when it started, and that was forming organizations of Indian people. I believe now that the thing that we have to do is we have to get the Indian leaders together and have the leaders themselves, the chairmen, and the

executive committee people of the various councils, go out and do the work themselves. I feel that the tribal councils in the past years have lived out their days as figureheads and someone who can sit back and think they have someone up in the other office that is going to take care of these things for them. They can sit home and don't have to do all that work. I think that it is the responsibility of the tribal councilmen of the Indian tribes to get out and meet each other, talk about common issues -- which most of the issues are -- and go together as a group and speak to the people within the federal government. We do have quite a large vote -- we have a lot of influence as a group. Going individually, we don't have anywhere near the clout that we have as a group. I do feel that the individual councilmen have to go out and start doing this work themselves and keep themselves informed as to any changes that are happening within the government and within the Indian tribes and their relationship to one another. Thank you.

MICKEY PABLO. It is very possible for tribes to influence policy at the federal level and also at the state level. Sometimes it isn't the influence we want, but you can influence them. I know we have had a power system that was tied into the irrigation project on the Flathead Reservation. We moved the contract under 93-638 to take over the operation of the distribution facility. At that time our senior senator for the State of Montana attached an amendment to a bill that said that the Flathead tribes could not contract the power project. We were successful in getting a senator to put a hold on Senator Melcher's amendment at that time, and we held up the entire 99th Congress of the United States for two days to work out a compromise. Recently, if you have been following your papers on the state level, we worked out an agreement for hunting and fishing with the State of Montana. We needed some legislation to give the Governor the authority (Governor Stephens) to sign the agreement if he felt it was beneficial for everyone. At that time a local legislator called me at home and said that we would not get this bill through. "The local legislators are opposed to it and it is going to be killed." I said, "Okay, thank you. We know where each other stands." And as you know, the Governor signed that bill into law. So it is very possible, but the key is education.

Anytime someone doesn't know about anything, especially if it is an Indian tribe, there is a paranoia about the unknown -- and that is human nature. You have to be able, through the education process, to make everybody aware of what is going on -- that yes, you can come down and talk with us and we will work with

anyone. When it comes to an issue of treaty rights, then we will defend that the best we can. Another key is to get involved in the political process. We have been able to begin doing that very successfully. We had a candidate for the President of the United States come to the Flathead Reservation and had over 5,000 people at that gathering. Two or three years ago we had a treaty-right celebration in Missoula. We had over 5,000 people at that treaty-right celebration, and there were several state legislators at the treaty-right celebration. Many of them came up to us afterwards and said, "We didn't know you had a treaty." So, education is the key. If everyone can sit down and become more educated about the issues and work together, we can find we can all work together. My great-great grandfather, Paul Big Knife, was Sub-chief of the Kootenai Tribes. My great-great aunt's brother was Chief Michele of the Pondera Tribes. I also had some of my ancestors from the non-Indian side; one was Rawlins who died with Custer at the Little Big Horn. So we can all sit down and learn together and we can learn from mistakes from the past. We can influence policy if we have the education and we are into the process and we prove we have a good program for an issue that we are fighting for.

TOM WESSEL. It is time for us to let the audience ask their questions to our panel members.

MEMBER OF AUDIENCE. I noticed that everyone on the panel talked in terms of future progress in self-determination. It is pretty clear from what we are hearing from the tribal representatives that tribal philosophy about what self-determination is supposed to be is at odds with the present federal policy. Do anyone of you realize that a lot of the present federal policy still seems to be aimed at disappearance or the eventual disappearance of the Indian people? What needs to be done if there is to be an accommodation between what the federal policy is now and what tribes really believe that they want to do for themselves?

PAT MORRIS. My belief is that we have a policy of termination by accountant. That is, in fact, the current federal policy; basically, privatization is leading away from a federal tribe relationship to . . . really the war or the debate over jurisdiction issues is between the states now and the tribes. My feeling is that, ultimately, the view of this "new federalism" is to convert the tribes into

municipalities or something resembling counties. If that is a reasonable scenario, then those people who want to fight that move towards that almost removal of tribal sovereignty and termination. Then Indian people, as the council members here have stated, have to create and gain control of the political agenda in the future. They have to start pushing their own definitions of what self-determination means. They have to move away from what the current administration and the previous administration have defined as self-determination, which is, in fact -- I would argue is not self-determination, but a rather hollow shell without any funds to actually carry it out -- and in that process of gaining the momentum, impose their own policy on the federal government and through this definition. That is a difficult thing to do because my feeling is that these are true believers who are driving the policy issues now. The idea of privatization, for example, of the national parks as well as Indian tribes means an entirely new thinking at the federal level of what even a tribe needs. I think the tribes really have a difficult fight on their hands.

RAYMOND WHITE TAIL FEATHERS. A point that I want to make concerning that question is I believe that the federal government presently is attempting to, so-to-speak, cut the umbilical cord. I believe that is their insidious way of supporting what they call self-determination. I believe what the tribes need to do is to begin sophisticating their tribal governments. Now if we go back historically to how tribal governments were set up, we go back to where the federal government was the one who established the tribal governments. You can go back to the 1934 Reorganization Act and -- I mean, that was the beginning of it. Now our tribe originally had a general council form of government, which was a self-defeating type of government. Finally, we went to a constitution in 1960, but the 1960 constitution that we adopted was also designed to help terminate the tribes because we didn't design it ourselves. The lawyer that was involved in the determination process helped design our constitution. So again, what I am saying is that the tribes themselves need to begin actively sophisticating their own tribal governments to meet the needs they have on the reservation -- to address what they believe is sovereignty itself in regard to the people, their property, their resources and so forth, and what they believe is a future for themselves as tribes. I could go on and on in talking about what needs to be done in the areas of planning. We have some serious problems on the reservation in the areas of social disfunction and we have to deal with those. I think the tribes themselves have to do that actively themselves. In the same vein, the tribes have to actively

begin developing their own resources -- that is what needs to happen. Then you are going to define what self-determination means for tribes themselves.

ROCKY STUMP. I would like to respond to that. When my tribe first went into this Public Law 93-638 -- these contracts and different programs -- that is the second time they had a contract with what they call self-determination. In this program (I was not on the council, but based on what I have been reading about) it was set up into law and the tribes were able to create positions within the structure of their tribal government. The tribal council members had job titles and they were paid from (referring to this self-determination) the money that the BIA appropriated for this program, self-determination. But after three years -- I think my tribe received a letter -- I think it was in 1980 that the BIA was no longer going to fund self-determination. They did away with it. We not only had these 638 contracts, different programs, but you can see there the BIA . . . it took them three years to . . . I don't know why -- they must have liked funding a tribal official's salary. I think that was brought up in the meeting there at the Billings area. Some of the tribes still have this program within their tribal government.

MARVIN WEATHERWAX. I have just a short reaction to that. In self-determination, one of the things that has happened, along with other programs that the Indians have tried as far as the Indian Self-Determination Act -- we have always started a program -- get a program through the 638 process -- and as usual, when the government has to cut, the first place they cut are these programs. As a result, within a time span of three to five years, the program that has been contracted by the tribes is usually so financially strapped by the cuts that it is absolutely ineffective to do what it is supposed to do. I feel that one of the most important things that the tribes are going to have to do concerning the Indian Self-Determination Act is get very active -- and the amendments that have to be made to the Self-Determination Act -- to make sure that any money that is set aside for the programs is appropriated and that the money will be there for no less than 10 years down the road with options to add money to it. One example of the 638: The Blackfeet Tribe contracted our law enforcement. This was several years ago. After several years, it got to the point where our law enforcement was almost totally ineffective because there wasn't enough money to hire the law enforcement officials that were necessary to uphold the law on the reservation. So it was retroceded back to the Bureau of Indian Affairs. At that time, they were saying the Blackfeet Tribe couldn't handle it -- they couldn't

handle their own people and all. So right now they are swallowing very hard because the Bureau of Indian Affairs has had their money cut in the area that is most important to many of the Indian people on the reservation, and that is law enforcement -- especially on our reservation. We have 1½ million acres of land and approximately 8,000 people, and we have 14 law enforcement officers to cover that area. By simple figuring, you know darn well there is no way that can be done. We have probably two, and at the very most three, law enforcement officers on duty at one time. The time it takes to get from one end of our reservation to the other, we might as well not have law enforcement officers on our reservation. In the study that we did -- it would take a minimum of 40 law enforcement officers to deal with an area that size and that number of people.

Another thing that is very important for us to consider and to do something about is the programs that are coming down through the BIA. I don't know how familiar everybody is with those. The Billings area office in the state of Montana makes more money than any Indian reservation in the state of Montana. They spend approximately $10 million a year, and that is by taking care of our money and carrying out their trust responsibilities. Through the 638 process and some appropriate amendments, some of that $10 million that is spent in overhead and administrative costs in the area offices (this probably isn't only the case in Montana, but throughout all of the area offices) -- if that $10 million was cut down to even $1 million, which would be more than enough to take care of what they have to do, the money could go to the different Indian tribes, and it would be a lot better for the tribes. We would be able to run our programs and our governments a lot better. Maybe I shouldn't say this, but in talking with some of the people in Washington (a person that is very high up) -- we were talking about the Bureau of Indian Affairs. I asked what he thought of the BIA. He said it was the best employment agency that he knew of. Thank you.

ROCKY STUMP. I think that as we move onto the coming years with what is happening in Congress and the federal (by federal, I mean the executive branch) . . . I think right now tribes are probably very strong in Congress. Just a couple of years ago, the Joint Senate-House Resolution that called for termination of Indian tribes was repealed. I think one thing that has to be done now is a restructuring of the BIA. The BIA for too long has been somewhat of a regulatory entity. Congress will pass a very good law such as 93-638; the BIA will come up with many regulations that tell you how to implement the statute. I think what needs to happen is the BIA needs to be restructured to become a technical

assistance and support group for tribes to get economic development moving, to get other issues taken care of. That way, the dollars won't make that much of a difference to get everything restructured and to start moving toward tomorrow. I don't think there is really a call for termination of Indian tribes at this time.

I would like to read a campaign pledge from President Bush. I hate to answer loaded questions from attorneys, but I happen to have this, so I will give it back to him. What we have to do is to make sure that the campaign pledge is carried through.

> *George Bush believes in American Indians' self-government and will respect and honor all treaties, laws, and court decisions which establish the unique political status for American Indians. George Bush will emphasize the individual rights and economic well-being of Native Americans on or off the reservation. A Bush administration's emphasis on individual rights and freedoms recognizes corresponding responsibilities of tribal governments to their members.*

That sounds good, but what we have to do is to make sure that is followed up and carried out. In the federal structure, what happens a lot of times when someone is appointed to an assistant secretary position or whatever, within the executive branch, there are so many things going on and there are so many issues that everyone has to cover, sometimes what is said to begin with isn't carried through and I think there is a responsibility of the tribes to see that this is carried out and to work for getting the BIA restructured to provide assistance to tribes. Instead of being a regulatory branch and telling us why we can't do something -- we tell them what we feel self-determination is and where we need to go and they help us provide the expertise to get there. Then eventually tribes would be self-sufficient, and as we move along, any tribe that is self-sufficient can never be terminated.

MEMBER OF AUDIENCE. Do tribes have a working definition for Indian economic development, and if so, what would the definition of Indian economic development be? Would it be consistent with the American definition of economic development?

RAYMOND WHITE TAIL FEATHERS. Probably the best way to answer that question is you would have to address that to individual tribes. Because of the 1908 General Allotment Act, we are a checkerboard and the reservation was divided. We have less than half of the property which belongs to the tribe. So we co-exist with non-Indians on the reservation. That sort of sets the stage for our economic development plans and format on the reservation. I believe that in the area of industrial growth and business ventures, I guess you would have to say we are using Western civilization methods. But in the area of dealing with the social problems that exist, I think there again you would have to determine that based on the people themselves -- where they are at in their traditional way of life or whether they are in transition. On our reservation you have that in existence and you have to address it in those terms. I hope I answered your question, but that is the way it is on our reservation.

ROCKY STUMP. As far as the tribes involved, to answer your question, I would say you would have to talk to each tribe. The Chippewa-Cree's land is trust land. No member of the tribe claims the land -- it's trust land. These other tribes -- their land is allotted; they own the land. I think we are one of the smallest reservations in the state of Montana, Rocky Boy's, the Chippewa-Cree. We are the smallest, but I guess I am proud to be from there, from Rocky Boy's. It is a good question, because as far as coming from the federal government, they fund you based on your population -- the size of your reservation. That is the only response that I have.

PAT MORRIS. Maybe just a comment. Most of the economic development models that I have seen come out of Washington obviously are based upon an extraction industry's removal of natural resources from the tribe into the larger economic system, and so the reservations (and I tell my students that also the State of Montana) needs to think of itself as basically a third world country -- that, in fact, much of the basic resources are taken out of the region and then are used to create jobs and manufacturing and development elsewhere. I think the ethical issue of what kind of economies the Indian communities want, and how those ethical and value statements are clarified in terms of their own individual cultures -- it is an extremely difficult one to realize both economically and politically given the climate of the day. I think that is going to be a tough one as well to be able to strike a balance between the past and those values and the kind of demands that are being placed on tribes from outside interests. As you can see, I am somewhat cynical, but maybe that is my role.

MARVIN WEATHERWAX. My answer is also in the form of a comment. Indian economic development used to be slipping across the border and picking up a few horses and a few women and bringing them back home. That was the Indian economic development (the good old days). Nowadays, Indian economic development in my view is taking an opportunity that is made available to the Indian people and using it to create jobs and an opportunity for an individual Indian person or a group of Indian people to be able to sustain their families and to live within the community and to feel proud of themselves and to be able to be proud of their own culture.

MICKEY PABLO. I guess on Flathead our definition for Indian economic development is "make money." It is very difficult sometimes to do that when you are attacking your natural resources. What we have to do to try to get an economic development program moving is work on development, but at the same time protect the traditional and cultural ways, protect the environment. What we are looking for is clean types of businesses. Maybe tourism is a very good opportunity to protect the resources and still bring dollars in. We are looking at a 134-unit condominium convention center on the shores of Flathead Lake. We have begun negotiations on that with outside business people who have similar projects on the north shores of Flathead Lake. We looked at building the facility so we didn't end up with a big clear cut on the side of a mountain or we didn't have a big hole in the ground from extracting the resources -- say it was mining, or whatever. I think that also gets into the first question that was asked why sometimes it was so difficult for tribal governments to move rapidly ahead for economic development. There are many other concerns that have to be respected as you move forward. What we are trying to do and at the same time trying to develop some tribal businesses, is to try to figure out a way for the individual Indian entrepreneur to get started. If everybody works for the tribal government and we run out of resources if we aren't taxing, some day we will back ourselves into a corner. If we can give the individuals the opportunity to try to get them the technical assistance to move forward, then, hopefully, we can get the job done.

MEMBER OF AUDIENCE. What does total sovereignty mean and is total sovereignty the same as termination?

PAT MORRIS. Total sovereignty means really the opposite of termination -- at least in my sense. Of course, it could go through Washington and come out different, as they are pretty creative. What is the definition of total sovereignty? I guess maybe I can use this [holds up glass] as I do in the class. If this is a glass full of water and the water is power to govern oneself, then when it is completely full that is the maximum amount of power that that community has for itself. Basically, what the federal government has done over the years is this: keep taking a little bit out and even spilling some over time to where, in fact, what the tribes have been able to retain is less than full sovereignty. It means an erosion of those basic powers that any nation or government or community has for home rule. So what tribes have today is what they have been able to keep to themselves despite the efforts of the federal government, not because of the efforts of the federal government.

MICKEY PABLO. I think tribal sovereignty means to me self-determination as set forth by the Indian people and what they feel they need, and through the elective process they get the councilmen to do that job -- or after the next election, that councilman isn't there. Total tribal sovereignty -- I don't think since the United States came into being there has ever been total sovereignty. We are sovereign only to the point that Congress wants us to be sovereign. That is why it is so important for tribes to get in the political process and get an education and let everybody know what your position is and why your position is that way and why you feel the way you do. Does sovereignty mean termination? I agree with the earlier response; it is just the opposite. Sovereignty means Indian people will determine what is best for them -- not to have the federal government tell us what is good for us.

MARVIN WEATHERWAX. The term you used, "total sovereignty," is something that I don't think anyone has ever seen or will ever see. To have total sovereignty would mean total and complete control, and the way the government is set up, I don't think that we can have total sovereignty. The cup of water that he was talking about that was full -- if at one time it was ever full, it was probably in someone's dream. As far as termination, I am not sure exactly how it is with the other tribes, but the only ones that can terminate the Blackfeet people are the Blackfeet people themselves.

ROCKY STUMP. I would like to respond. I think as far as termination, I would say that I don't agree with that, but as far as the sovereignty, I think each tribe in their constitution-bylaws -- it protects the tribe in broader areas, such as the tribal council. They are protected by their sovereign unity, but as far as being involved in termination (total termination), I would have to disagree with that.

RAYMOND WHITE TAIL FEATHERS. The only one comment I have, I guess, would be tribal sovereignty would be defined according to the treaties that tribes have in place. It also would be defined in the tribal government itself exercising its rule and authority over its people according to its treaty rights and also the manner in which its tribal government is established. That is all I have to say on that.

MEMBER OF AUDIENCE. With regard to education, what has been done in the past and what needs to be done in the future?

MICKEY PABLO. I think what tribes need to do and what we are going to try and do on Flathead very shortly (maybe with the Centennial) is to re-establish somewhat what you are talking about, not on the state level, but on the tribal standpoint -- to go around to the different schools on the reservation to explain what the reservation is. I went to the public school in Hot Springs on the reservation and there was never any mention that we were even living on the reservation. That happens in all of the schools. That's where part of the problems . . . and people perceive with jurisdiction is that nobody knows what a reservation is and what it is about. We are going to try and set up just a small program in each school and go through and explain what we are and what we are about, and at the same time to impact aid funds (874 funds). The Indian education committees on the reservation -- they are formed again and they come and meet with the council and we sit down and go through the different things that we think that we need and how to get education, not only to the non-Indians on the reservation but also the education process to get our young people educated. I don't recall how many years ago it was there was a law in the state that there had to be so many hours of Indian education in that school. That just fell by the wayside. We need to unite an effort with all tribes to start trying to get that system back into place. There are many things that need to be done. I don't have all of the answers all of the time, and speaking for any government,

I don't think there is. But what we need to do is to get the process in place and begin over again -- look where we need to go, look at the types of education that we need. We have education that we need for doctors, lawyers, engineers. We also have the education to keep our young people familiar and let them learn so that we don't lose our tradition and cultures. There are all kinds of educations and we just have to start and sit down and get our elders together, the education people together in the university systems, get everything rolled into one and try to move forward. I am not sure if I answered it all completely, but it is a starting point.

MARVIN WEATHERWAX. As far as what has been done in the past and what needs to be done in the future, there is quite a contrast. We can build on some of the things that have been done. You mentioned what are we going to do about the Indians being left out and not mentioned that much. Many of the universities have their Native American Studies programs, and a lot of the school districts in the state have to have so many hours of Native American Studies that are so close to reservations. That is being implemented only in education. I don't think that it should be restricted just to education. I think that anyone who is going to be an engineer or a doctor, or whatever -- if they have any idea or if there is any chance that they are going to be working on an Indian reservation with Indian people, they should know something about Indian culture and Indian values. I don't think that the State people in Helena should be the ones that are going to decide what they need to know. For instance, take the Blackfeet or Flathead or any of these other tribes in Montana. I think it is the tribes themselves -- the tribal leaders -- they are going to have to get together (like Mickey just mentioned) with their elders and decide what they want, what they want the state people to know. They don't know very much. They know a lot about what they learned in books written by non-Indians. Seminars like this -- things are happening here -- this Native American Awareness Week that is held in many of the universities. I think all of the universities at one time or another in the state of Montana are very helpful, but that is just a tip of the iceberg of what needs to be done. There are a lot of people, both Indian and non-Indian, that are right now contributing toward that end of making everybody else aware. I don't think that it is being done enough.

PAT MORRIS. Let me give you just an example. I went over and taught at Flathead Community College when I first started and helped design their Native

American Studies Program. One of the immediate things that came up was how to get all of the elders who really are the intellectual inheritors of the culture -- how to get them into the classroom and have them certified so that they could teach when, in fact, they would probably be challenged because many of the traditional people have very limited formal schooling, but in fact, are really great cultural resources. Sure enough, the community college challenged the idea of the local people that were going to teach because they did not have enough formal education. So what we did was simply certify them ourselves -- that is, to have the culture committee of the tribe certify them as being qualified to teach in these areas, and therefore, they are certified. They [the community college] continued to challenge, and the response was, "Well, then you go and test them." They went and got an anthropologist in this area of language and said, "You come test them." He said, "Are you kidding? They are my teachers. They are teaching me the language, and I am certainly not qualified to judge their competence." The case was dropped and, in fact, they were certified, and therefore, could teach in the schools. It is a major concern how to keep people who have so much of the tradition but do not have the formal education and to make opportunities for them to get into the classroom as fully certified teachers. I think that will be a continuing issue as well.

ROCKY STUMP. I also agree with the gentleman here that asked the question. Coming again from Rocky Boy's, we have elders, both male and female; we have them involved in our education, not only the high school, but the college also. I do agree that if some way, somehow, we can get these people certified so they can continue on to foster this type of education for our Indian children in high school and from the beginning -- the Head Start. I can say from my tribe that we are losing some of these areas: our language, our cultural ways. I guess it is up to us to negotiate this to get our people certified in this area.

RAYMOND WHITE TAIL FEATHERS. You would have to say that this is probably one of the greatest tragedies concerning the American Indians throughout this nation. If we go back historically, we will find that was the first attempt by the federal government to what I would say is to deculturize the Indians, and they did it through the educational systems. To begin with, it was worked through the Christian institution. I don't want to bad-mouth Christians because I am one myself, but I have to lay the blame there because -- see, that is how all of this began. Working with the federal government, they made a

concerted attempt to take the Indian culture away from him. He wasn't allowed to talk his language, he wasn't allowed to practice his culture. As a result of that, the American Indian became marginal, and that is one of the reasons why we see the difficulties today in the educational system. He has lost his identity. That has to be restored, and I believe that in order to do that the tribes have to begin developing an educational plan on their reservation. In a sense, that is beginning because, as has been stated here, we have community colleges on the reservation and there are programs within the school systems, but again, they are federal programs, canned programs that really aren't doing the job. What we need is the Indian people becoming experts in the area of education and then going back to the reservation and beginning to develop plans there to begin educating their own people as a whole -- children, adults, etc. That is what needs to happen. We are not getting it in the public school system because the public school system standards don't reflect the Indian way of life or the Indian culture or even the tribal governments on the reservation. So that is what needs to take place. Again, the United States government needs to correct that as well as the State of Montana, working together with the tribes to develop an educational system and a program for the tribes on the reservation. We have had one of the highest dropout rates -- I believe it is the highest in the nation. As a result of that, we have children that are committing suicide, getting into drugs -- you name it; but that is an area that really needs to be dealt with. That is the key; if you want to talk about sovereignty, self-determination, the whole ball of wax -- it's right there.

A LOOK AT THE PAST, PRESENT, AND FUTURE OF THE INDIAN PEOPLE

by
Earl Old Person

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A Speech Presented During
Native American Awareness Week
Montana State University
Bozeman, Montana

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☆ ☆ ☆

A LOOK AT THE PAST, PRESENT, AND FUTURE OF THE INDIAN PEOPLE

by
Earl Old Person

Today I am very honored to be part of this conference you are having. I know that it is very important to the people who are sponsoring the conference, and this part of the conference especially to the Indian students.

It's been a long time now that I have seen many of our young people trying to make their way. And it has come to that time. And I believe that is the reason we are here today -- because of you who are making that effort.

I've got a story for that work. Maybe I'll share it with you. I gave a talk in Billings one time at the Western Governors' Conference. I had the privilege of sitting at the head table with their keynote speaker, the Governor from New Mexico. But anyway, he got up and said, "Every time I get up to talk, it never fails -- especially during my campaign speech -- it never fails, I always start out by saying, 'Why are we all here?' So this one time I was asked to speak at the state hospital. First thing I said was, 'Why are we all here?' Somebody from way back said, 'You stupid thing, you know why we are all here -- because we are not all there, that's why!!'"

Today I guess we are talking about what was in the past, what is today, and what we are hoping would be tomorrow for the better of the Indian people. I served on the Council for quite a few years, as mentioned in my introduction. I started out very young. In fact, I think I was one of the youngest ever to serve on the Council. That was in 1954. And at that time there was a number of our elderly people that served with me. We had 13 Council members. I was just telling Mary Luken about some of those men that I watched as they worked, as they talked. They were my teachers. In fact, I was very new at tribal government at that time. And the teachings, the directions that I received and by listening to their conversations -- the way they were talking about the things that used to happen and the things that were happening began giving me some direction and some knowledge of what was taking place -- and what their concerns were. That was during the time that the Indian people were facing very much the so-called termination. It was just a year before 1953 when House Resolution 108 took place and was enacted; that was termination. So they were very concerned

about this. In fact, before I got on the Council, I used to interpret for these old people. The school that I come from, the area I come from, we call Star School. They used to have their own community meetings and I was the interpreter, and so I had some knowledge of what they were talking about and what their concern was on termination. And, of course, I really didn't think too much about myself because I was pretty young. But those people knew of the things that were happening in the past and that time and what they perceived could take place. They were very concerned.

I've always said they must have had some strong leaders back then. Because even as far back 1633 was when the rule was made to weaken the Natives of their land -- up to 1886-87, the Dawes Act, the Allotment Act. Again, that was another move to weaken the land holdings of our people. And so these people had the knowledge of these things that were taking place. We know that our people, the Natives way back, our ancestors, were very determined and were very brave. What they were doing was real. It wasn't something they pretended to do. That was their way of life. Their food was the buffalo. After they did away with the buffalo, all they could see was the buffalo on the buffalo nickel -- just to remind us. But that was their way of life. The buffalo was their food, their clothing, their shelter. It was everything. Different parts of the buffalo were used. And that is why I say their life was real. If they made one mistake, they were in trouble. And so they were constantly watching the people, especially the leaders. As time went on, they to began to see that there were things that were happening that were different that were causing problems.

The reason I'm going back this way . . . this is why I say we have to be very strong. They made their efforts for it and made a stand to go forth. A lot of time we the Indian people would like to go back and be like our ancestors. We can't do it. It's impossible. We can't live between . . . but they did. We can't depend on living on the game, but they did. Today we can't go across the street without getting in an automobile. They rode their horses, they used their horses. That's the difference. The kind of life that we live today. But to them it was a tough life, a difficult life -- but a good life. It was a happy time.

A lot of our people today . . . some of the elders . . . we don't have too many any more. One person told me the other day, "I'm going to have to have to talk with you." That's the wife of this elder. Because she is living in the past.

In other words, they don't care what's going on. The day is decided. They are sitting, thinking of the old times and the good times. That's the kind of life a lot of our old-timers are living.

Our tribal governments, the tribal leaders, those people who have taken the lead long before we have were constantly confronted with the many laws our government put out to try to change the kinds of things for the Indian people. It seems like when we're beginning to digest one ball, they come up with something else. And all of these laws were laws that were causing problems to us as the Indian people. At least our leaders felt that it wasn't for the betterment of this country. We had, back in 1917-1920, after they had tribes allot their lands to individuals . . . they come up with another law referred to as the General Allotment Act during that time. And that was another way for our people to lose our land. They wanted us to become citizens, and that took place in 1924. Then they wanted to give us our own self-government, 1934. In the late 40's and early 50's they came up with the relocation program, placing people out in some of the major metropolitan areas -- I guess trying to cause our people to break our family ties. All these things failed because . . . a lot of those people that went on to relocation . . . sure, a lot of them came back, but there are a lot of them out there.

One of the things we have done all these years, until just a few years ago, is we followed. We took directions. We followed these directions as they were given. If they tried something, they were told no. A few years ago the Indian people began to wonder what was happening and they began to set their directions themselves. They began to make a move in a way that they thought was best to help the Indian people. All the people probably wanted was some type of industry to help their people find employment. They were told it couldn't be done -- so they followed. But that time came that we no longer followed. We began to take some steps. We began to walk equal -- we are taking the lead.

This is one of the reasons I commend our young people today for wanting to get themselves into a position where they can be a director. They can hold positions that they can be able to help their people and they can help with the general public. We as Indian people can help; whatever we do, we want to help. That is how our people used to be. Our Indian people are generous, but they

were very careful. I believe that is the reason even you that are away from us, from our homeland, the reservation, your heart is there.

A couple of years ago, I received calls from people from Los Angeles and other areas. And they said they are coming home. And I said, "Why?" They said, "Our jobs are terminated." I said, "We don't have jobs either." They said, "Well we are coming home. At least we are home with our people." You know, when our neighbor is in need of help we are willing to share. Our belief is sometime we will come back. A lot of times when we have our Indian Pow-Wow, some of our traditional people . . . some of our young people . . . they will honor somebody. I get this question a lot of times, they are amazed at how they put out merchandise . . . either money . . . and they begin to wonder how do they do that. At that time a material thing can mean . . . it's how you put it out -- how you honor. The belief is that. It's part of our tradition.

When we have our celebrations, sometimes you will witness the power. A lot of the individuals out there that are dancing or singing, or whatever part they are taking in this pow-wow, doesn't mean that they just go around to the pow-wow. They are people who hold some very key positions -- very responsible positions. After the pow-wow, come Monday, they will go back try to take care of that burden that is on their shoulder -- try to take care of the problems that they have. But the good thing about it is that they are still able to come back and sit around and chant, sing, or dance while they are still learning about today's society.

Now when I talk about reservations, sometimes I disagree. I don't think they preserved the lands for us. Our people did -- those [lands] they were able to keep. It's because our leaders were determined, and they had a way of keeping our lands that we now call our homelands. Sure, they had a way of pushing us to the areas that we are at today, but our people didn't fully surrender to them. I always say that they are not deserving; our old leaders kept the land for us. Maybe that is why they are different . . . Sometimes I think that people wonder that our way of life is really different. But still we are all headed in the same direction.

Jesse Jackson said in one of his talks, "We all come here on different ships, but we are all in the same boat." One thing that we as a nation . . . we didn't come in no ship -- but I guess we are in the same boat. I always say that

joke I often tell, we were set up. We don't really know who we are. But they refer to us as Indians. The joke was Columbus set out to find India and they got here and saw us and they called us Indians. What would have happened if they were looking for Turkey?

One of the things I have always tried to stress -- our reservations today are shrinking. Not because they are getting smaller, but the number is getting greater. Our population is getting bigger. I don't care what anybody says, our population is coming back. Our reservations cannot accommodate everybody. They may want to be a rancher/farmer, but our land will not be able to accommodate. And that is the reason I often stress the only thing we have for our young people for the upcoming generations is to encourage that so-called education that you're getting today. Education is everything today. Many of you have heard me say this before. If you wanted to dig a ditch a few years ago, you could go out there with a pick and shovel. Today you can't do that because they have machines to do that. In order to operate that machine, you've got to be educated. I don't have a degree. My father says, "The only degree I've ever had was a PHD -- Post Hole Digger."

But there were times that you could go out and do those kinds of work and be able to make a living. So that is why it is so important today for our young people. And I see it very much at the present in the past few years. If we try to correct problems, we are at the bottom of the list (i.e., drugs, alcoholism). But when it is negative, we are at the top. That's the struggle the tribal governments have had for many, many years. We still have it and we will continue to have it. I don't care how much our government tries to bring to us things that are going to sound like we are going to be the kinds of people that are going take care of ourselves. They will make it without any backing or help.

When it comes to education -- sure, the government may put out dollars. That's not enough. Many of our young Native people today want higher learning. That's not enough. That's why I always admire and commend some of our innovators today. They've made every effort to have the kind of education it takes to make livelihood and to be able to help with the kinds of things that are needed. The government has not put out the kind of help that the Indian people . . . that the endeavors they have. The mood today is that many Indian tribes are standing up to create some kind of industry on their reservation -- trying to bring to the

reservation something that would be more permanent to help their people, mainly in employment.

We can have federal programs -- we've had federal programs. I don't condemn these federal programs. They have helped our people in employment or whatever. But I call them "come-and-go" programs. They can be here today and gone tomorrow.

These are the kinds of things that we are facing. I encourage you as Indian people who are students at MSU, whatever you develop yourself into from this university, whatever knowledge, whatever skill you develop -- no one can ever take from you. It is yours for as long as you want to use it. But other things can be gone. I believe this is what the leaders of today are saying. We need something more permanent, something we can rely on for our people. We have a lot of our people that . . . there are quite a few people back home that are dependent upon the leadership. There are people who are not expected to go out and come to Bozeman. They did not have that same opportunity, that same privilege, that you have today. They are dependent upon leadership; they are dependent upon the government that they are going to be able to look to. It is not enough that we have these kinds of problems that we have to deal with. We have more serious problems that are happening to the Indian country as well as any other area throughout the United States, and that is the so-called alcohol problems. We are struggling today to try to help . . . the many people who setting themselves up to help the youngsters to realize that there is something that can destroy their life. And I was glad to be part of that movement. I travelled to many of the major cities trying to bring the message to the people that I come into contact with to say no to drugs. A lot of people wonder, "Why is an Indian coming?" I wanted to be able to say yes, we are trying and we are going to go and help out and join hands and try to fight this so-called drugs and alcohol. Victims of alcohol and drugs are not helped by education.

Back in 1970, I served on the National Council on Indian Opportunities under Nixon's administration. And that was a time when the message came out on self-determination. Since then, it's been changes in different ways. I am saying today, myself, we are trapped. One of the things I have questioned all these years that I have served as a tribal leader -- since self determination is a fancy word for "takeover program." The question I've always asked is: What is

the guarantee of the funding? I could never get that answer. Can we take care of programs? The greatest enemy is money -- not just for the Indian people, but for everybody. Young men who are taking the lead at this college are trying to find ways to get their resources and the kinds of things it takes to bring together. And so self-determination sounds good. But we better be careful of the end result. I guess if we are in a position that we can take care of these programs . . . Sometimes we can't even take care of our own tribal programs. How much more difficult is it going to be? I'm speaking from experience. I can foresee things that could take place.

I say the federal government has a responsibility. I think they should be held responsible. I think they should be held to the things they said they were going to do, which they have not done. Our people today are not people who want to sit back and say -- they want to be able to earn what they get. Because our Indian people are proud. They have a lot of faith. They believe in what they have done and they believe that they are going to go on. And so our government is going to have to do better to help our leaders today. As long as our leaders are . . . they can do great things for their homelands; they can help themselves. I think the government should stand behind them and back them up to the fullest extent. If they want us to be self-sufficient -- self-sufficient requires action, some backing.

So today there are many things we can foresee. I believe there are many young people who observe. You can begin to see, be more farsighted on what you think. There was a time during my leadership that young people could care less what was happening. When I went to school, I didn't even know we had a tribal council. I didn't know who was on it. That didn't bother me. I could have cared less who was on it. I went and spoke to some very young kids and they knew a lot about our tribal government. They knew a lot about what was taking place. They see a little child running around today -- they are observing, they watch and listen. That is how much the people have come to be very concerned. We know what yesterday was, but what is going to take place tomorrow?

I commend our colleges and universities for allowing our Indian people to have their own club to have their way. For those of us who come to be a part of it, it is an encouragement also.

We can go on and talk about tribal government, the kinds of issues that are taking place. One of the greatest issues that has come up in 1976 was water rights. They made it sound like people would do certain things. This is what's going to happen to young people. We took them up on the challenge. Nothing took place.

Again they were trying to tell us, "If you don't do this . . ." There are many other issues taking place such as forestry -- wilderness areas. These issues constantly come before us. But again, as I say this -- it is our people that take a stand. It may not seem that way, but it seems like we have strong qualities and are willing to take a stand. Like one of our old-timers says, "They pushed us." They are talking about Blackfeet. They pushed us all away from Fort Benton, Choteau, and to where we are at today. Now they are looking back in and seeing it is a very valuable place where they pushed us. They want to come in and take it. Our water is starting to explode from our area -- different streams going down. And somewhere down the line it all comes together and everybody uses it. And still they are telling us that they need more water. These are some of the issues. We talk about taxes. I think some of the Indian people today see that too many people have been using the . . . making what they want off lands and resources. They say we want to be part of it now. Our people today are beginning to want to see we are going to have to do some things, help themselves. We don't have the kind of funding or money to do it. I hope that our leaders are looking into the areas that they feel should . . . but not . . . I think the tribal leaders ought to be cautious.

I want to commend you as young people that are here to do the kinds of things to help yourselves, your fellow man, our people. The other thing I commend our people for is community college. The reservation today has a community college. And I think we are doing this because we want to be able to give our people a chance to get themselves together before they go on. There was a time I could see our young graduates . . . perhaps all they had in mind was a good college. But they really didn't know what they wanted to do; they didn't know what it was like. And most of all, they didn't have the kind of financial backing to be out there and they came back. But today we have our own place of preparation. Anyone who wants that education -- it is there.

This afternoon I am glad to be a part of. I am glad we have our tribal leaders helping to give some insight into the responsibilities in the kinds of things they are looking for.

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UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

☆ ☆ ☆

CORPORATE CHARTER

of the

BLACKFEET TRIBE

of the

BLACKFEET INDIAN RESERVATION,

MONTANA

☆ ☆ ☆

Ratified August 15, 1936

United States
Government Printing Office
Washington, D.C., 1957

CORPORATE CHARTER
of the
BLACKFEET TRIBE
of the
BLACKFEET INDIAN RESERVATION, MONTANA

A Federal Corporation Chartered Under the Act of June 18, 1934

WHEREAS, The Blackfeet Tribe of the Blackfeet Indian Reservation of Montana constitutes a recognized Indian Tribe organized under a Constitution and Bylaws ratified by the Tribe on November 13, 1935 and approved by the Secretary of the Interior on December 13, 1935 pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378); and

WHEREAS, more than one-third of the adult members of the Tribe have petitioned that a charter of incorporation be granted to such Tribe, subject to ratification by a vote of the adult Indians living on the reservation;

NOW, THEREFORE, I, Harold L. Ickes, Secretary of the Interior, by virtue of the authority conferred upon me by the said Act of June 18, 1934 (48 Stat. 984), do hereby issue and submit this charter of incorporation to the Blackfeet Tribe of the Blackfeet Indian Reservation to be effective from and after such time as it may be ratified by a majority vote of the adult Indians living on the reservation.

CORPORATE EXISTENCE AND PURPOSES

1. In order to further the economic development of the Blackfeet Tribe of the Blackfeet Indian Reservation in Montana by conferring upon the said Tribe certain corporate rights, powers, privileges and immunities; to secure for the members of the Tribe an assured economic independence; and to provide for the proper exercise by the Tribe of various functions heretofore performed by the Department of the Interior, the aforesaid Tribe is hereby chartered as a body politic and corporate of the United States of America, under the corporate name "The Blackfeet Tribe of the Blackfeet Indian Reservation."

PERPETUAL SUCCESSION

2. The Blackfeet Tribe of the Blackfeet Indian Reservation shall, as a Federal Corporation, have perpetual succession.

MEMBERSHIP

3. The Blackfeet Tribe of the Blackfeet Indian Reservation shall be a membership corporation. Its members shall consist of all persons now or hereafter entitled to membership in the Tribe, as provided by its duly ratified and approved Constitution and Bylaws.

MANAGEMENT

4. The Blackfeet Tribal Business Council established in accordance with the said Constitution and Bylaws of the Tribe, shall exercise all the corporate powers hereinafter enumerated.

CORPORATE POWERS

5. The Tribe, subject to any restrictions contained in the Constitution and Bylaws of the United States, or in the Constitution and Bylaws of the said Tribe, shall have the following corporate powers, in addition to all powers already conferred or guaranteed by the Tribal Constitution and Bylaws.

(a) To adopt, use, and alter at its pleasure a corporate seal.

(b) To purchase, take by gift, bequest, or otherwise own, hold, manage, operate, and dispose of property of every description, real and personal, subject to the following limitations:

(1) No sale or mortgage may be made by the Tribe of any land or interests in land, including water power sites, water rights, oil, gas, and other mineral rights now or hereafter held by the Tribe within the boundaries of the Blackfeet Reservation. No sale of any other capital assets of the Tribe exceeding in value the sum of $10,000 may be made unless approved by a majority vote at a referendum called by the Tribal Council as provided in Article IX of the Constitution of the Tribe.

(2) No leases or permits (which terms shall not include land assignments to members of the Tribe) or timber sale contracts covering any land or interests in land now or hereafter held by the Tribe within the boundaries of the Blackfeet Indian Reservation shall be made by the Tribe for a longer term than ten years, and all such leases, permits, or contracts must be approved by the Secretary of the Interior or by his duly authorized representative; but oil and gas leases, or any leases requiring substantial improvements of the land may be made for longer periods when authorized by law.

(3) No action shall be taken by or in behalf of the Tribe which is in conflict with regulations authorized by Section 6 of the Act of June 18, 1934, or in any way operates to destroy or injure the tribal grazing lands, timber, or other natural resources of the Blackfeet Indian Reservation.

(c) To issue interests in corporate property in exchange for restricted Indian lands, as provided in Article VII, Section 6, of the Constitution of the Tribe.

(d) To borrow money from the Indian Credit Fund in accordance with the terms of Section 10 of the Act of June 18, 1934 (48 Stat. 984), or from any other Governmental agency, or from any member or association of members of the Tribe, and to use such funds directly for productive tribal enterprises, or to loan money thus borrowed to individual members or associations of members of the Tribe, provided that the amount of indebtedness to which the Tribe may subject itself shall not exceed $100,000, except with the express approval of the Secretary of the Interior.

(e) To engage in any business that will further the economic well-being of the members of the Tribe or to undertake any activity of any nature whatever, not inconsistent with law or with any provisions of this charter.

(f) To make and perform contracts and agreements of every description, not inconsistent with law or with any provisions of this charter, with any person, association, or corporation, with any municipality or any county, or with the United States or the State of Montana, including agreements with the State of Montana for the rendition of public services: PROVIDED, That any contract involving payment of money by the corporation in excess of $10,000 in any one fiscal year shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

(g) For the purpose of obtaining any loan, to pledge or assign any chattels purchased with the proceeds of such loans, or any income arising from activities of the Tribe financed by the proceeds of such loan, or any income due or to become due on any notes, leases or contracts taken as security for the reloan by the Tribe of the

proceeds of such loan whether or not such notes, leases, or contracts, are in existence at the time, but no pledge or assignment shall be made to any person or agency, other than the Secretary of the Interior, without the approval of the Secretary of the Interior.

(h) To deposit corporate funds, from whatever source derived, in any national or state bank to the extent that such funds are insured by the Federal Deposit Insurance Corporation, or secured by a surety bond, or other security, approved by the Secretary of the Interior; or to deposit such funds in the postal savings bank or with a bonded disbursing officer of the United States to the credit of the Tribe.

(i) To sue and to be sued in courts of competent jurisdiction within the United States; but the grant or exercise of such power to sue and to be sued shall not be deemed a consent by the said Tribe, or by the United States to the levy of any judgment, lien or attachment upon the property of the Tribe other than income or chattel specially pledged or assigned.

(j) To exercise such further incidental powers, not inconsistent with law, as may be necessary to the conduct of corporate business.

TERMINATION OF SUPERVISORY POWERS

6. Upon the request of the Blackfeet Tribal Council for the termination of any supervisory power reserved to the Secretary of the Interior under Sections 5(b)(2), 5(f), 5(g), 5(h), and Section 8 of this charter, the Secretary of the Interior, if he deems it wise and expedient so to do, shall approve such termination and submit it for ratification by the Tribe. It shall be effective upon ratification by a majority vote at an election in which at least thirty per cent of the adult members of the Tribe residing on the reservation shall vote. If at any time after ten years from the effective date of this charter, such request shall be made and the Secretary shall disapprove such termination or fail to approve or disapprove it within ninety days after its receipt, it may then be submitted by the Secretary of the Interior or by the Tribal Council to popular referendum of the adult members of the Tribe actually living within the reservation and if approved by two-thirds of the eligible voters, shall be effective.

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CORPORATE PROPERTY

7. No property rights of the Blackfeet Tribe, as heretofore constituted, shall be in any way impaired by anything contained in this charter, and the tribal ownership of unallotted lands, whether or not assigned to the use of any particular individuals, is hereby expressly recognized. The individually owned property of members of the Tribe shall not be subject to any corporate debts or liabilities, without such owners' consent. Any existing lawful debts of the Tribe shall continue in force, except as such debts may be satisfied or canceled pursuant to law.

CORPORATE DIVIDENDS

8. The Tribe may issue to each of its members a non-transferable certificate of membership evidencing the equal share of each member in the assets of the Tribe and may distribute per capita, among the recognized members of the Tribe, the net income of corporate activities including the proceeds of leases of tribal assets, including oil royalties over and above sums necessary to defray corporate obligations to members of the Tribe or to other persons and over and above all sums which may be devoted to the establishment of a reserve fund, and other expenses incurred by the Tribe for corporate purposes. Any such distribution of profits in any one year amounting to a per capita cash payment of $100 or more, or amounting to a distribution of more than one-half of the accrued surplus, shall not be made without the approval of the Secretary of the Interior.

CORPORATE ACCOUNTS

9. The officers of the Tribe shall maintain accurate and complete public accounts of the financial affairs of the Tribe, which shall clearly show all credits, debts, pledges, and assignments, and shall furnish an annual balance sheet and report of the financial affairs of the Tribe to the Commissioner of Indian Affairs. The Tribal Council shall elect from within or without their number a Treasurer of the Tribe who, under their control and direction, shall be the custodian of all moneys which come under the jurisdiction or control of the Tribal Council. He shall pay out money in accordance with the orders and resolutions of the Council, and no disbursements shall be made without the signature or approval of the Treasurer. He shall keep accounts of all receipts and disbursements and shall make written reports of same to the Tribal Council at each regular and special meeting. He shall be bonded in such an amount as

the Council by resolution shall provide, such bond to be approved by the Commissioner of Indian Affairs. The books of the Treasurer shall be audited at the direction of the Council or of the Commissioner of Indian Affairs, and shall be open to inspection by members of the Tribe or duly authorized representatives of the Government at all reasonable times.

AMENDMENTS 10. This charter shall not be revoked or surrendered except by act of Congress, but amendments may be proposed by resolutions of the Council which, if approved by the Secretary of the Interior, to be effective shall be ratified by a majority vote of the adult members living on the reservation at a popular referendum in which at least thirty per cent of the eligible voters vote.

RATIFICATION 11. This charter shall be effective from and after the date of its ratification by a majority vote of the adult members of the Blackfeet Tribe living on the Blackfeet Indian Reservation, provided at least thirty per cent of the eligible voters shall vote, such ratification to be formally certified by the Superintendent of the Blackfeet Indian Agency and the Chairman of the Tribal Council of the Tribe.

SUBMITTED BY the Secretary of the Interior for ratification by the Blackfeet Tribe of the Blackfeet Indian Reservation in a popular referendum to be held on August 15, 1936.

HAROLD L. ICKES,
Secretary of the Interior
[seal]

WASHINGTON, D.C., July 18, 1936

CERTIFICATION

Pursuant to Section 17 of the Act of June 18, 1934 (48 Stat. 984), this charter, issued on July 18, 1936, by the Secretary of the Interior to the Blackfeet Tribe of the Blackfeet Reservation, was duly submitted for ratification to the adult Indians living on the reservation and was, on August 15, 1936, duly ratified and accepted by a vote of 737 for and 301 against, in an election in which over thirty per cent of those entitled to vote cast their ballots.

JOSEPH W. BROWN,
Chairman of the Blackfeet Tribal Business Council

C.L. GRAVES,
Superintendent, Blackfeet Agency

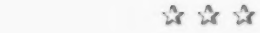
CONSTITUTION AND BYLAWS

of the

CROW TRIBAL COUNCIL

of

MONTANA



ADOPTED: June 24, 1948

APPROVED: May 23, 1949

CONSTITUTION AND BYLAWS
of the
CROW TRIBAL COUNCIL
of
MONTANA

ADOPTED: June 24, 1948
APPROVED: May 23, 1949

PREAMBLE

The Crow Tribe of Indians, in an effort to enforce the respect of their basic human, constitutional and treaty rights, do hereby re-establish the Crow Tribal Council to represent, act and speak for the Crow Tribe in any and all tribal matters, and to promote the general welfare of the Crow Tribe, do adopt the following constitution and bylaws for the conduct of Crow Tribal matters in conjunction with the lawful right of the Bureau of Indian Affairs to conduct same.

ARTICLE I

The Crow Tribal Council shall be composed of the entire membership of the Crow Tribe.

ARTICLE II [1][1a][1b]

The council shall elect every two (2) years, in conformity to its rules procedure, a Chairman, Vice-Chairman, Secretary and Vice-Secretary. The Chairman shall have no vote unless there be a tie vote before the council. The election for these officers shall be held the second Saturday of May every other year after May 12, then the first election shall be held under this constitutional change. Officials are to assume their duties July 1, after election.

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[1] As amended by Resolution No. 62-11; see Appendix 1.
[1a] Original Constitution and Bylaws; see Appendix 1a.
[1b] Resolution No. 63-20 (never approved by Commissioner); see Appendix 1b.

ARTICLE III

Any duly enrolled member of the Crow Tribe, except as herein provided, shall be entitled to engage in the deliberations and voting of the council, provided the females are 18 years old and the males 21 years. [2][2a]

ARTICLE IV

All nominations for officers of the council and any other tribal matter before the council shall be by voice, standing, hand-raising or secret ballot, as the council shall elect at each of its meetings.

ARTICLE V

The Crow Tribe, through its Tribal Council, reserves unto itself the right to remove for cause any officer of the council, for misconduct or negligence or non-diligence in connection with the protection of the rights of the Crow Tribe in its relations with the Bureau of Indian Affairs or the local employees.

ARTICLE VI [1]

The Powers, Duties, and Functions of the Council:

1. The council shall establish its own rules of procedure. [16][17]

2. **MEETINGS:** There shall be regular Tribal Council meetings held each year on the second Saturday of January, the Second Saturday of April, the second Saturday of July, and the second Saturday of October, and as many additional meetings shall be held as tribal business may require. All meetings shall be called by the Chairman and the Committee.

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[2] Unnumbered Resolution (Membership); see Appendix 2.
[2a] Resolution No. 66-17 (provides for appeals for enrollment); see Appendix 2a.
[1] As amended by Resolution No. 62-11; see Appendix 1.
[16] Resolution No. 115 (adopts Roberts Rules of Order); see Appendix 16.
[17] Resolution No. 105 (Established Rules of Procedure); see Appendix 17.

3. **NOTICE OF MEETINGS AND AGENDAS:** It shall be the duty of the Secretary, or in his absence the Vice-Secretary of the Crow Tribal Council to give notice of all Tribal Council meetings of the Crow Tribe in writing for a period of at least seven (7) days prior to each meeting date. Notices shall be posted at one public place in each district of the reservation, and at the Agency Headquarters, and where possible, in the local newspapers and by radio broadcast. Notices in addition to the date, time, and place of the meeting, shall list in numerical order the business to come before the Tribal Council meeting. No business shall be transacted at the meeting unless it has been included in the public notice. Copies of proposed resolutions or other business to be considered shall be furnished to the elected district representatives by the Tribal Secretary seven (7) days prior to meeting dates.

4. **ITEMS OF BUSINESS:** Agenda of the Tribal Council meeting shall include all items required by the (1) Tribal Chairman and committee, (2) Superintendent of the Crow Agency, and (3) any petition duly signed by 100 qualified voters. All requests to the Chairman and committee for a General Council meeting shall be in writing and shall clearly state the nature of the business to be presented before the General Council.

5. If the Commissioner of Indian Affairs desires to present any matter to the council for its action, such request shall be presented in writing to the Chairman or the committee, who shall as herein provided, advertise such request as provided, and set the date for the Council Sessions.

6. Except where other wise specified in this constitution and Bylaws, decisions of the Council shall be by a simple majority of the vote cast.

7. The Council shall perform the duties assigned to it under this Constitution and Bylaws and shall have such powers in addition to those expressly conferred on it thereunder as may be necessary to achieve its effective operation and to realize its objective. [11][12]

8. All matters presented and coming before the Crow Tribal Council to be voted upon by the members of the Crow Tribe shall be decided and determined by a simple majority vote.

9. There shall be a committee composed of two (2) members from each of the six Districts of the Crow Reservation and two (2) members from off-the-reservation Indians elected for a term of two (2) years, in accordance with the Tribal Council's rules of

[11] Resolution No. 64-2 (Jurisdiction in Criminal and Civil Actions); see Appendix 11.
[12] Unnumbered Resolution (Marriages and Divorces); see Appendix 12.

procedure, to act as an executive committee to work with the officers under the general direction of the Council. The first election of these committee members shall be held within thirty (30) days from and after adoption of this Constitutional amendment, and all subsequent elections to be held the second Saturday of the month of May at 2-year intervals on alternate years from the tribal officials election. Each district shall select its own election judges from within said district whose expenses shall be paid from tribal funds. The results of such elections shall be final and conclusive. [3]

10. The Crow Tribe, through the Crow Tribal Council, shall have the power to levy, assess and collect taxes and license fees upon non-members of the Crow Tribe doing business within the boundaries of the Crow Indian Reservation, subject to review by the Secretary of the Interior. [4]

ARTICLE VII

Status and Functions of the Council:

1. The Crow Tribal Council is the voice of the Crow Tribe.

2. The Crow Tribal Council is the medium, the body, the tribal organization through which the Crow Tribe speaks to the government and the general public.

3. The Council, representing the entire Crow Tribe, shall voice the opinions, wishes, sentiment, hopes and decisions in any and all tribal matters for the Crow people to the Congress and the Interior Department, by resolutions and through tribally elected delegates who shall, under instructions of the council, proceed to Washington or elsewhere to present in person such decisions and their own arguments and appeals in support thereof as the council shall direct by majority vote. [20]

4. Subject to existing federal law which endows the Congress with plenary powers over the Indians in their tribal state, and which in turn passes such authorities down the line to the Secretary of the Interior and the Commissioner of Indian Affairs, who by regulations based upon acts of the Congress, control the management of Indian Affairs subject to constitutional limitations. The Crow Tribal Council, without legal status as such, but being the mouthpiece and the voice of the Crow people, will from time to time

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[3] Resolution No. 62-22 (Rules for Election of Committeemen); see Appendix 3.
[4] Ordinance No. 201 (Imposition, Levy and Colection [sic] of a Tax); see Appendix 4.
[20] Resolution No. 67-25 (provides for appointing a committee to represent the Crow Tribe); see Appendix 20.

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call to the attention of the Congress its views and wishes with respect to the administration of its rights, property and affairs by the Bureau of Indian Affairs.

5. Because of existing law governing Indian administration by the Congress herein pointed out, the Crow Council admits its limited authority in the administration of its own tribal matters, but also, understanding the constitutional limitations of the government in this same field, the Crow Tribal Council will sponsor all legislation with state, federal and local governments on behalf of the Crow Tribe, and will, through Tribal Council resolutions and elected delegates and representatives, consult with and otherwise deal with representatives of the department of the government of the United States on all matters affecting the interests of the Crow Tribe.

6. The Crow Tribal Council, which encompasses the entire membership of the Crow Tribe, so far as the Crow people are concerned, shall be supreme in determining by a majority vote of those attending, any course of action taken which is designed to protect Crow tribal interests.

7. The American system of "majority rule" used in the Congress of the United States shall prevail in the decisions of the Crow Tribal Council in regularly called and duly assembled conventions, and its majority decisions shall be conclusive and binding over the losing minority.

8. The Bureau of Indian Affairs, being a part of the United States Government, shall in no wise interfere directly or indirectly through its field representatives or agents with the deliberations of decisions of the Crow Tribal Council. The council, existing under the legal handicaps herein pointed out, belongs to the Crow Tribe only, and not the government, and as such will make its decisions without Indian Bureau interference or advice, inasmuch as the Indian Bureau, under the broad powers in Indian administration conferred upon the Congress and the Indian department by both the Congress and the courts, can and does nullify Indian tribal council actions the country over when same takes issue with its own views. However, the Crow Tribal Council, regardless of same, hereby reserves unto itself the right to initiate moves looking to the protection of the Crow tribal rights and interests under their treaties and under the American constitution guaranteeing all basic human rights to all who live under the American flag, and to the equal protection of the laws of our country.

9. The Crow Tribal Council in a duly called session will decide the manner of voting, whether by districts or in the council itself or whether by secret ballots in the districts or in the council, and on this issue the local Indian Bureau representatives will have no voice whatsoever -- the council reserves this right unto itself. [15]

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[15] Resolution No. 113 (provides for manner of voting at all assemblies); see Appendix 15.

10. Every member of the Crow Tribe, outside of the exception herein provided for, shall have equal opportunities to discuss any and every question of tribal concern before the council, and to participate, without interference, in all votes taken upon any such questions.

ARTICLE VIII [1]

SECTION I. This Constitution and Bylaws shall be amended by a majority vote of the qualified voters of the Crow Tribe voting at an election called for that purpose by the Tribal Council, provided that no amendment shall become effective until it shall have been approved by the Commissioner of Indian Affairs or his authorized representative.

SECTION II. All eligible tribal members may vote at such duly called elections. The enactment of rules and procedure for conducting such an election shall be the responsibility of the Tribal Council. The Tribal Council shall enact an election ordinance. [6][7][5][21]

AND, BE IT FURTHER RESOLVED, that the above listed changes are those which the Tribal Council wishes to make in the present Crow Tribal Constitution and shall do so regardless of any or all other resolutions or provisions, and if other resolutions or constitutional changes are in conflict with the above state rules, they shall be henceforth repealed, rescinded and expunged from the records.

ARTICLE IX [8]

SECTION I. The Crow Tribe through the Crow Tribal Council shall have power to establish, own, operate, maintain and engage in any business or business enterprise, either as sole owner and operator, or jointly with any person, firm, or coperation [sic], or jointly with any agency or department of the Government of the United States of America. For the purpose of carrying out the powers herein set forth, the Crow Tribal Council is authorized and empowered to use and expend tribal funds of the Crow Tribe.

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[1] As amended by Resolution No. 62-11; see Appendix 1.
[6] Ordinance No. 64-25 (Election Rules of Officers); see Appendix 6.
[7] Ordinance No. 65-10 (procedure for conducting elections for proposed Amendments); see Appendix 7.
[5] Ordinance No. 63-19 (provides for elections); see Appendix 5.
[21] Resolution No. 63-01 (rules and procedures for conducting a Constitution and Bylaws election); see Appendix 21.
[8] As added by unnumbered Amendment, approved Dec. 28, 19_6; see Appendix 8.

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

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CORPORATE CHARTER

of the

CONFEDERATED SALISH AND

KOOTENAI TRIBES

of the

FLATHEAD RESERVATION, MONTANA

☆ ☆ ☆

Ratified April 25, 1936

United States
Government Printing Office
Washington, D.C., 1936

CORPORATE CHARTER
of the
CONFEDERATED SALISH AND KOOTENAI TRIBES
of the
FLATHEAD RESERVATION, MONTANA

A Federal Corporation Chartered Under the Act of June 18, 1934

WHEREAS, the Confederated Salish and Kootenai Tribes of the Flathead Reservation in Montana constitute a recognized Indian tribe organized under a Constitution and Bylaws ratified by the Tribe on October 4, 1935, and approved by the Secretary of the Interior on October 28, 1935 pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378); and

WHEREAS, more than one-third of the adult members of the Tribe have petitioned that a charter of incorporation be granted to such Tribe, subject to ratification by a vote of the adult Indians living on the reservation;

NOW, THEREFORE, I, Harold L. Ickes, Secretary of the Interior, by virtue of the authority conferred upon me by the said Act of June 18, 1934 (48 Stat. 984), do hereby issue and submit this charter of incorporation to the Confederated Salish and Kootenai Tribes of the Flathead Reservation to be effective from and after such time as it may be ratified by a majority vote of the adult Indians living on the reservation.

CORPORATE EXISTENCE AND PURPOSES

1. In order to further the economic development of the Confederated Salish and Kootenai Tribes of the Flathead Reservation in Montana by conferring upon the said Tribe certain corporate rights, powers, privileges and immunities; to secure for the members of the Tribe an assured economic independence; and to provide for the proper exercise by the Tribe of various functions heretofore performed by the Department of the Interior, the aforesaid Tribe is hereby chartered as a body politic and corporate of the United States of America, under the corporate name "The Confederated Salish and Kootenai Tribes of the Flathead Reservation."

PERPETUAL SUCCESSION

2. The Confederated Salish and Kootenai Tribes shall, as a Federal Corporation, have perpetual succession.

MEMBERSHIP

3. The Confederated Salish and Kootenai Tribes shall be a membership corporation. Its members shall consist of all persons now or hereafter members of the Tribe, as provided by its duly ratified and approved Constitution and Bylaws.

MANAGEMENT

4. The tribal council of the Confederated Tribes established in accordance with the said Constitution and Bylaws of the Tribe, shall exercise all the corporate powers hereinafter enumerated.

CORPORATE POWERS

5. The Tribe, subject to any restrictions contained in the Constitution and laws of the United States, or in the Constitution and Bylaws of the said Tribe, shall have the following corporate powers, in addition to all powers already conferred or guaranteed by the Tribal Constitution and Bylaws:

(a) To adopt, use, and alter at its pleasure a corporate seal.

(b) To purchase, take by gift, bequest, or otherwise own, hold, manage, operate, and dispose of property of every description, real and personal, subject to the following limitations:

(1) No sale or mortgage may be made by the Tribe of any land or interests in land, including water power sites, water rights, oil, gas, and other mineral rights now or hereafter held by the Tribe within the boundaries of the Flathead Reservation.

(2) No mortgage may be made by the Tribe of any standing timber on any land now or hereafter held by the Tribe within the boundaries of the Flathead Reservation.

(3) No leases, permits (which terms shall not include land assignments to members of the Tribe), or timber-sale contracts covering any land or interests in land now or hereafter held by the Tribe within the boundaries of the Flathead Reservation shall be made by the Tribe for a longer term than 10 years, and all such leases, permits or contracts must be approved by the Secretary of the Interior or by his duly authorized representative; but oil and gas leases, water power leases, or any leases requiring substantial improvements of the land may be made for longer periods when authorized by law.

(4) No action shall be taken by or in behalf of the Tribe which conflicts with regulations authorized by

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Section 6 of the Act of June 18, 1934, or in any way operates to destroy or injure the tribal grazing lands, timber, or other natural resources of the Flathead Reservation.

(5) No distribution of corporate property to members shall be made except out of net income.

(c) To issue interests in corporate property in exchange for restricted Indian lands.

(d) To borrow money from the Indian Credit Fund in accordance with the terms of Section 10 of the Act of June 18, 1934 (48 Stat. 984), or from any other governmental agency, or from any member or association of members of the Tribe, and to use such funds directly for productive tribal enterprises, or to loan money thus borrowed to individual members or associations of members of the Tribe: PROVIDED, That the amount of indebtedness to which the Tribe may subject itself shall not exceed $100,000, except with the express approval of the Secretary of the Interior.

(e) To engage in any business that will further the economic well-being of the members of the Tribe or to undertake any activity of any nature whatever, not inconsistent with law or with any provisions of this charter.

(f) To make and perform contracts and agreements of every description, not inconsistent with law or with any provisions of this charter, with any person, association, or corporation, with any municipality or any county, or with the United States or the State of Montana, including agreements with the State of Montana for the rendition of public services and including contracts with the United States or the State of Montana or any agency of either for the development of water-power sites within the reservation: PROVIDED, That all contracts involving payment of money by the corporation in excess of $5,000 in any one fiscal year, or involving the development of water-power sites within the reservation, shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

(g) To pledge or assign chattels or future tribal income due or to become due to the Tribe under any notes, leases, or other contracts, whether or not such notes, leases or contracts are in existence at the time: PROVIDED, That

such agreements of pledge or assignment shall not extend more than 10 years from the date of execution and shall not cover more than one-half the net tribal income in any one year: AND PROVIDED FURTHER, That any such agreement shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

(h) To deposit corporate funds, from whatever source derived, in any National or State bank to the extent that such funds are insured by the Federal Deposit Insurance Corporation, or secured by a surety bond, or other security, approved by the Secretary of the Interior; or to deposit such funds in the postal savings bank or with a bonded disbursing officer of the United States to the credit of the Tribe.

(i) To sue and to be sued in courts of competent jurisdiction within the United States; but the grant or exercise of such power to sue and to be sued shall not be deemed a consent by the said Tribe, or by the United States to the levy of any judgment, lien or attachment upon the property of the Tribe other than income or chattels specially pledged or assigned.

(j) To exercise such further incidental powers, not inconsistent with law, as may be necessary to the conduct of corporate business.

TERMINATION OF SUPERVISORY POWERS

6. At any time after 10 years from the effective date of this charter, upon the request of the tribal council of the Confederated Tribes the termination of any supervisory power reserved to the Secretary of the Interior under Sections 5(b)(3), 5(d), 5(f), 5(g), 5(h), and Section 8 of this charter, the Secretary of the Interior, if he deems it wise and expedient so to do, shall thereupon submit the question of such termination or grant for ratification by the Tribe. If the Secretary of the Interior shall approve such termination, it shall be effective upon ratification by a majority vote of the adult members of the Tribe residing on the reservation, at an election in which at least thirty per cent of the eligible voters vote. If the Secretary shall disapprove such termination, or fail to approve or disapprove it within 90 days after its receipt, it may then be submitted by the Secretary or by the tribal council to popular referendum of the adult members of the Tribe actually living within the reservation and

if approved by two-thirds of the eligible voters shall be effective.

CORPORATE PROPERTY

7. No property rights of the Confederated Salish and Kootenai Tribes, as heretofore constituted, shall be in any way impaired by anything contained in this charter, and the tribal ownership of unallotted lands, whether or not assigned to the use of any particular individuals, is hereby expressly recognized. The individually owned property of members of the Tribe shall not be subject to any corporate debts or liabilities, without such owners' consent. Any existing lawful debts of the Tribe shall continue in force, except as such debts may be satisfied or canceled pursuant to law.

CORPORATE DIVIDENDS

8. The Tribe may issue to each of its members a non-transferable certificate of membership evidencing the equal share of each member in the assets of the Tribe and may distribute per capita, among the recognized members of the Tribe, all profits of corporate enterprises or income over and above sums necessary to defray corporate obligations to members of the Tribe or to other persons and over and above all sums which may be devoted to the establishment of a reserve fund, the construction of public works, the costs of public enterprises, the expenses of tribal government, the needs of charity, or other corporate purpose. Any such distribution of profits or income in any one year amounting to a per capita payment of $100 or more, or amounting to a distribution of more than one-half of the accrued surplus, shall not be made without the approval of the Secretary of the Interior.

CORPORATE ACCOUNTS

9. The officers of the Tribe shall maintain accurate and complete public accounts of the financial affairs of the Tribe, which shall clearly show all credits, debts, pledges, and assignments, and shall furnish an annual balance sheet and report of the financial affairs of the Tribe to the Commissioner of Indian Affairs. The treasurer of the Tribe shall be the custodian of all moneys which come under the jurisdiction or control of the tribal council. He shall pay out money in accordance with the orders and resolutions of the council, and no disbursements shall be made without the signature or approval of the treasurer. He shall keep accounts of all receipts and disbursements and shall make written reports of same to the tribal council at each

regular and special meeting. He shall be bonded in such an amount as the council by resolution shall provide, such bond to be approved by the Commis-sioner of Indian Affairs. The books of the treasurer shall be audited at the direction of the council or of the Commissioner of Indian Affairs, and shall be open to inspection by members of the Tribe or duly authorized representatives of the Government at all reasonable times.

AMENDMENTS 10. This charter shall not be revoked or surrendered except by act of Congress, but amendments may be proposed by resolutions of the council which, if approved by the Secretary of the Interior, to be effective shall be ratified by a majority vote of the adult members living on the reservation at a popular referendum in which at least thirty per cent of the eligible voters vote.

RATIFICATION 11. This charter shall be effective from and after the date of its ratification by a majority vote of the adult members of the Confederated Salish and Kootenai Tribes living on the Flathead Reservation, provided at least thirty per cent of the eligible voters shall vote, such ratification to be formally certified by the superintendent of the Flathead Agency and the chairman of the tribal council of the Confederated Tribes.

SUBMITTED BY the Secretary of the Interior for ratification by the Confederated Salish and Kootenai Tribes of the Flathead Reservation in a popular referendum to be held on July 25, 1936.

HAROLD L. ICKES,
Secretary of the Interior
[seal]

WASHINGTON, D.C., April 21, 1936

CERTIFICATION

Pursuant to Section 17 of the Act of June 18, 1934 (48 Stat. 984), this charter, issued on April 21, 1936, by the Secretary of the Interior to the Confederated Salish and Kootenai Tribes of the Flathead Reservation, was duly submitted for ratification to the adult Indians living on the reservation and was on April 25, 1936, duly ratified by a vote of 425 for and 129 against, in an election in which over thirty per cent of those entitled to vote cast their ballots.

EDWIN DUPUIS,
Chairman of the Tribal Council

L.W. SHOTWELL,
Superintendent, Flathead Agency

CORPORATE CHARTER

of the

FORT BELKNAP INDIAN COMMUNITY

of the

FORT BELKNAP INDIAN RESERVATION,

MONTANA

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NAME: Fort Belknap Indian Community

ORGANIZATION AUTHORITY: Section 17, Act of June 18, 1934 (48 Stat. 984)

RATIFIED BY TRIBES: August 25, 1937

AMENDMENTS TO THE CORPORATE CHARTER:

#1. Section 3: Membership -- Ratified June 24, 1958
#2. Section 4: Management -- Ratified November 3, 1964

MANAGEMENT:

The Fort Belknap Community Council consisting of six (6) members of the Gros Ventre Tribe and six (6) members of the Assiniboine Tribe shall exercise all the corporate powers hereinafter enumerated.

CORPORATE CHARTER
of the
FORT BELKNAP INDIAN COMMUNITY
of the
FORT BELKNAP INDIAN RESERVATION, MONTANA

A Federal Corporation Chartered Under the Act of June 18, 1934

WHEREAS, the Fort Belknap Indian Community of the Fort Belknap Reservation in Montana is a recognized Indian Community organized under a Constitution and Bylaws ratified by the Gros Ventre and Assiniboine Tribes of the Fort Belknap Indian Reservation on October, 19, 1935 and approved by the Secretary of the Interior on December 13, 1935 pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378); and

WHEREAS, more than one-third of the adult members of the Fort Belknap Indian Reservation who are members of the Gros Ventre and Assiniboine Tribes have petitioned that a charter of incorporation be granted to such community, subject to ratification by a vote of said Indians living on said reservation;

NOW, THEREFORE, I, Charles West, Acting Secretary of the Interior, by virtue of the authority conferred upon me by the said Act of June 18, 1934 (48 Stat. 984), do hereby issue and submit this charter of incorporation to the Fort Belknap Indian Community of the Fort Belknap Reservation to be effective from and after such time as it may be ratified by a majority vote of the adult Indians living on the reservation, at an election in which at least thirty per cent of the eligible voters vote.

CORPORATE EXISTENCE AND PURPOSES

1. In order to further the economic development of the Fort Belknap Indian Community of the Fort Belknap Reservation in Montana by conferring upon the said community certain corporate rights, powers, privileges and immunities; to secure for the members of the Tribe an assured economic independence; and to provide for the proper exercise by the Community of various functions heretofore performed by the Department of the Interior, the aforesaid community is hereby chartered as a body politic and corporate of the United States of America, under the corporate name "The Fort Belknap Indian Community."

PERPETUAL SUCCESSION

2. The Fort Belknap Indian Community shall, as a Federal Corporation, have perpetual succession.

MEMBERSHIP

3. The Fort Belknap Indian Community shall be a corporation. Its members shall consist of all persons now or hereafter members of the Community, as provided by its duly ratified and approved Constitution and Bylaws, as amended. [Amendment I -- Enacted 6-24-58; approved by Secretary of Interior 10-6-58.]

MANAGEMENT

4. The Fort Belknap Community Council consisting of six (6) members of the Gros Ventre Tribe of Indians and six (6) members of the Assiniboine Tribe of Indians of the Fort Belknap Indian Reservation, elected by all the electors of the Community, shall exercise all the corporate powers hereinafter enumerated.

CORPORATE POWERS

5. The Community, subject to any restrictions contained in the Constitution and laws of the United States, or in the Constitution and Bylaws of the said community, or in this charter, shall have the following corporate powers:

(a) To adopt, use, and alter at its pleasure a corporate seal.

(b) To purchase, take by gift, bequest, or otherwise own, hold, manage, operate, and dispose of property of every description, real and personal, subject to the following limitations:

(1) No sale or mortgage may be made by the Community of any land, or interests in land, now or hereafter held by the Community.

(2) No leases or permits (which terms shall not include land assignments to members of the Community) or timber sale contracts covering any land or interests in land now or hereafter held by the Community within the boundaries of the Fort Belknap Reservation shall be made by the Community for a longer term than ten years, and all such leases, permits, or contracts must be approved by the Secretary of the Interior or by his duly authorized representative; but oil and gas leases, mineral leases, or any leases requiring substantial improvements of the land may be made for longer periods when authorized by law.

(3) No action shall be taken by or in behalf of the Community which conflicts with regulations authorized by Section 6 of the Act of June 18, 1934, or in any way operates to destroy or injure the Community grazing lands, timber, or other natural resources of the Fort Belknap Reservation.

(c) To issue interests in corporate property in exchange for restricted Indian lands.

(d) To borrow money from the Indian Credit Fund in accordance with the terms of Section 10 of the Act of June 18, 1934 (48 Stat. 984), or from any other governmental agency, or from any member or association of members of the Community, and to use such funds directly for productive tribal enterprises, or to loan money thus borrowed to individual members or associations of members of the Community: PROVIDED, That the amount of indebtedness to which the Community may subject itself, aside from loans from the Indian Credit Fund, shall not exceed $2,500, except with the express approval of the Secretary of the Interior.

(e) To engage in any business that will further the economic well-being of the members of the Community or to undertake any activity of any nature whatever, not inconsistent with law or with any provisions of this charter.

(f) To make and perform contracts and agreements of every description, not inconsistent with law or with any provisions of this charter, with any person, association, or corporation, with any municipality or any county, or with the United States or the State of Montana, including agreements with the State of Montana for the rendition of public services: PROVIDED, That any contracts, other than contracts with the United States, involving payment of money by the corporation totalling in excess of $2,000 during any one fiscal year shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

(g) To pledge or assign chattels or future income due or to become due to the Community under any notes, leases, or other contracts, or from any other source, whether or not such notes, leases, or contracts are in existence at the time: PROVIDED, That such agreements of

assignment, other than agreements with the United States, shall not extend more than ten years from the date of execution and shall not cover more than one half the income from any source: AND PROVIDED FURTHER, That any such agreement shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

(h) To deposit corporate funds, from whatever source derived, in any national or state bank to the extent that such funds are insured by the Federal Deposit Insurance Corporation, or secured by a surety bond, or other security, approved by the Secretary of the Interior; or to deposit such funds in the Postal Savings Bank or with a bonded disbursing officer of the United States to the credit of the Community.

(i) To sue and to be sued in courts of competent jurisdiction within the United States; but the grant or exercise of such power to sue and to be sued shall not be deemed a consent by the Community or by the United States to the levy of any judgment, lien or attachment upon the property of the Community other than income or chattels specially pledged or assigned.

(j) To exercise such further incidental powers not inconsistent with law, as may be necessary to the conduct of corporate business.

TERMINATION OF SUPERVISORY POWERS

6. Upon the request of the Community Council of the Fort Belknap Indian Community for the termination of any supervisory power reserved to the Secretary of the Interior under Sections 5(b)(2), 5(d), 5(f), 5(g), 5(h), and Section 8 of this charter, the Secretary of the Interior, if he deems it wise and expedient so to do, shall thereupon submit the question of such termination or grant for ratification by the Community. If the Secretary of the Interior shall approve such termination it shall be effective upon ratification by a majority vote of the adult members of the community residing on the reservation, at an election in which at least thirty per cent of the eligible voters vote. If the Secretary shall disapprove such termination, or fail to approve or disapprove it within 90 days after its receipt, it may then be submitted by the Secretary or by the Community Council to popular referendum of the adult members of the Community

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actually living within the reservation, and if approved by two-thirds of the eligible voters shall be effective.

TRIBAL RIGHTS AND CLAIMS

7. (a) Property rights and present and future claims of the Gros Ventre and Assiniboine Tribes of Indians who have entered into a partnership to form the Fort Belknap Indian Community for the management of their joint affairs, shall not be in any way impaired by anything contained in this charter, or in the Constitution and Bylaws of the Fort Belknap Indian Community.

(b) Nothing in this charter, or in the Constitution and Bylaws of the Fort Belknap Indian Community shall constitute a release or waiver or shall in any way impair any present or future claims of the Gros Ventre Tribe of Indians of the Fort Belknap Indian Reservation, or of the Assiniboine Tribe of Indians of the Fort Belknap Indian Reservation, against the United States, against each other, or against any other tribe or tribes of Indians.

(c) The tribal unallotted lands of the Fort Belknap Indian reservation are hereby vested in the Fort Belknap Indian Community, subject however to the restrictions contained in Section 7, paragraph (b) of this charter.

(d) The Gros Ventre members of the Community Council and the Assiniboine members of the Community Council shall each have sole and exclusive jurisdiction over all matters concerning the exclusive property rights and present and future claims of each of their said tribes, and shall transact the exclusive business policy and administrative affairs of their respective tribes, and shall exercise their said several powers to the same extent and for the same purposes as exercised by each of said tribal councils prior to the ratification of the Fort Belknap Indian Community Constitution and Bylaws and the granting of this charter.

(e) That the administration of moneys borrowed by the Fort Belknap Indian Community and reloaned to members of the community or associations of such members shall be under the jurisdiction of two sub-committees of the council, one consisting only of Gros Ventre councilmen to administer all loans to Gros Ventre Indians, and one consisting only of Assiniboine councilmen to administer all loans to Assiniboine Indians. The amount allocated to

the two sub-committees shall be equal except in so far as demonstrated differences in population or need warrant any other equitable division.

CORPORATE DIVIDENDS

8. The Community may issue to each of its members a nontransferable certificate of membership evidencing the equal share of each member in the assets of the Community and may distribute per capita, among the recognized members of the Community, all income of the Community over and above sums necessary to defray corporate obligations to members of the Community or to other persons and over and above all sums which may be devoted to the establishment of a reserve fund, the construction of public works, the costs of public enterprises, the expenses of the Community government, the needs of charity, or other corporate purposes. No such distribution of profits in any one year amounting to a distribution of more than one-half of the accrued surplus, shall be made without the approval of the Secretary of the Interior.

CORPORATE ACCOUNTS

9. The officers of the Community shall maintain accurate and complete public accounts of the financial affairs of the Community, which shall clearly show all credits, debts, pledges, and assignments, and shall furnish an annual balance sheet and report of the financial affairs of the Community to the Commissioner of Indian Affairs. The Secretary-Treasurer of the Fort Belknap Indian Community shall pay out money only in accordance with the orders and resolutions of the Community Council, and no disbursements shall be made without the signature or approval of the Secretary-Treasurer. The books of the Secretary-Treasurer shall be audited at the direction of the Community Council or of the Commissioner of Indian Affairs, and shall be open to inspection by members of the Community or duly authorized representatives of the Secretary of the Interior at all reasonable times.

AMENDMENTS

10. This charter shall not be revoked or surrendered except by act of Congress, but amendments may be proposed by resolutions of the Community Council which, if approved by the Secretary of the Interior, to be effective shall be ratified by a majority vote of the adult members living on the reservation at a popular referendum in which at least thirty per cent of the eligible voters vote.

RATIFICATION 11. This charter shall be effective from and after the date of its ratification by a majority vote of the adult members of the Fort Belknap Indian Community living on the Fort Belknap Reservation, provided at least thirty per cent of the eligible voters shall vote; such ratification to be formally certified by the Superintendent of the Fort Belknap Agency and the President of the Fort Belknap Indian Community.

SUBMITTED BY the Acting Secretary of the Interior for ratification by the Fort Belknap Indian Community in a popular referendum to be held on August 25, 1937.

CHARLES WEST,
Acting Secretary of the Interior
[seal]

WASHINGTON, D.C., July 29, 1937

CERTIFICATION

Pursuant to Section 17 of the Act of June 18, 1934 (48 Stat. 984), this Charter, issued on July 29, 1937, by the Acting Secretary of the Interior to the Fort Belknap Indian Community of the Fort Belknap Reservation, was duly submitted for ratification to the adult Indians living on the Reservation and was on August 25, 1937, duly carried by a vote of 277 for and 158 against, in an election in which over thirty per cent of those entitled to vote cast their ballots.

RICHARD KING,
President of the Fort Belknap Indian Community

F.W. BOYD,
Superintendent of Fort Belknap Agency

CONSTITUTION AND BYLAWS

(with Amendments Incorporated)

and

ENROLLMENT ORDINANCE NO. 1

of the

ASSINIBOINE AND SIOUX TRIBES

of the

FORT PECK INDIAN RESERVATION, MONTANA

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Approved Effective October 1, 1960

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CONSTITUTION AND BYLAWS
of the
ASSINIBOINE AND SIOUX TRIBES
of the
FORT PECK INDIAN RESERVATION, MONTANA

ARTICLE I. PREAMBLE AND NAME

We, the adult members of the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana, in order to establish a recognized and approved tribal organization to handle our reservation affairs and business, to protect the sovereignty and the vested interest of our tribes and members under treaties, agreements, and laws heretofore enacted, to procure for our tribes and our members and our posterity, social, educational, and industrial assistance, also, to procure assistance in all matters of interest to the tribes, and to preserve peaceful and cooperative relations with the United States Government, its subdivisions, and its offices, do hereby establish this Constitution and Bylaws, with the legal name: "The Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana." (Where used herein, the "Reservation" refers to the Fort Peck Indian Reservation in Montana; the "tribes" to the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation; the "Board" to the Tribal Executive Board; the "Secretary" to the Tribal Executive Board Secretary; "General Council" refers to an assembly of the qualified Electors of the Tribes.)

ARTICLE II. TERRITORY

The jurisdiction of the tribes shall extend to the territory within the original confines of the Fort Peck Reservation as defined in the agreement of December 28 and December 31, 1886, confirmed by the Act of May 1, 1888 (25 Stat. Sec. 113, Ch. 212) and to such other lands as may be hereafter added thereto under any laws of the United States, except as otherwise provided by law.

ARTICLE III. MEMBERSHIP

Membership of the tribes of the reservation shall consist of those persons who qualify in accordance with an ordinance approved by the tribes in a referendum vote. A membership ordinance shall be submitted to the tribes simultaneously with the submission of this Constitution for referendum vote by the tribes.

ARTICLE IV. GOVERNING BODY

SECTION 1. The governing body of the tribes shall be known as the Tribal Executive Board, subject to the powers of the General Council.

Amend No. 2, approved May 5, 1972

A general Council may initiate ordinances or reject within ninety days any enactment of the Executive Board. Upon petition of at least ten per cent (10%) of the eligible voters of the tribes, a General Council shall be called by the Chairman at a place within the Fort Peck Reservation designated in the petition; a quorum shall consist of one hundred (100) eligible voters of the tribes. A stenographic transcript shall be kept of all proceedings of the General Council.

SECTION 2. The Board shall consist of a Chairman, a Vice-Chairman, a Secretary-Accountant, a Sergeant-at-Arms, and twelve (12) Board members.

SECTION 3. The Chairman, the Vice-Chairman, Sergeant-at-Arms and twelve (12) additional members of the Board shall be elected at large. The Secretary-Accountant shall be appointed from within or without the Board membership.

Amend No. 1, approved Oct. 6, 1971

SECTION 4. The Chairman, the Vice-Chairman, the Sergeant-at-Arms, and Board members shall be elected for a two (2) year term.

SECTION 5. The Secretary-Accountant shall be appointed for a two (2) year term, and if appointed from outside of the elected Board membership, the Secretary-Accountant so appointed shall have no vote in Executive Board proceedings.

ARTICLE V.
NOMINATIONS, ELECTIONS AND VACANCIES

SECTION 1. Elections shall be by secret ballot. Voting shall be within the respective districts as provided herein, at a place designated within each district by the Board.

SECTION 2. All members of the Assiniboine and Sioux Tribes, as determined by Article III of this Constitution, who are 18 years of age or over, are eligible to vote, provided:

(a) Voters residing on the reservation shall be eligible to vote in the district in which they have last resided for a full 60 days immediately preceding the election. The registration of any member for voting at a State or County election shall be conclusive as establishing his or her place of residence.

Amend No. 3, approved July 29, 1974

Amend No. 4, approved Feb. 13, 1978

(b) Non-resident voters may vote by absentee ballot in the last district of their former affiliation, provided they have registered their intent to vote in that district at least 30 days prior to the date of the election.

SECTION 3. The first election of the Board under this Constitution and Bylaws shall be held within one hundred twenty (120) days following its ratification and approval by the Secretary of the Interior under such rules, regulations, and ordinances, as promulgated by the Tribal Executive Board. Subsequent elections shall be held on the last Saturday in October every two (2) years. In event such day is a holiday, the election shall be held on the first subsequent day that is not a holiday.

SECTION 4. Elected Board members shall take office at the first regular meeting following election. Before entering on duty the newly elected Board members shall file the oath of office certified by a notary public, the following oath: "I do solemnly swear that I shall faithfully execute the duties of my office, defend the Constitution of the United States of America, the State of Montana, and the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, so help me God."

SECTION 5. To be eligible for nomination and election to the Board, a person must be:

(a) An eligible voter on the reservation.

(b) A qualified candidate having resided on the reservation at least sixty (60) days immediately preceding an election, and not having been convicted of a felony for which he or she has not received a pardon.

(c) All questions of residence as referred to in this Constitution shall be resolved by the Tribal Executive Board.

SECTION 6. The candidates for Chairman, Vice-Chairman, Sergeant-at-Arms and the twelve (12) additional members of the Executive Board receiving the highest number of cumulative legal votes from all the districts shall be declared elected.

Amend No. 1, approved Oct. 6, 1971

SECTION 7. The Tribal Executive Board shall have the authority to pass ordinances providing for method of elections, and not limiting said power to, but including election announcements, nominations, and fees, registration of voters lists, election officials and their duties, place of voting, certificates of elections, manner of protests and recount, and all election procedures; and as a guide, to follow as near as practicable Chapter 23 of the Revised Codes of Montana, 1947, as amended, and effective at the time; and in case of disputed interpretation, the decisional laws of Montana shall be resorted to, subject to the approval of the Fort Peck Tribal Executive Board.

ARTICLE VI. VACANCIES AND REMOVAL FROM OFFICE

SECTION 1. If a member should die, resign, be removed, or recalled form office, the Executive Board shall declare the position vacant and appoint a qualified member of the tribe, by casting nine (9) votes in favor of the appointment to fill the vacancy until the next regular or special election. Twenty-five (25) percent of the tribes' eligible voters shall be sufficient to petition for a special election to be called within thirty (30) days to fill any vacancies.

Amend No. 1, approved Oct. 6, 1971

SECTION 2. A Board member or officer of the Board, may be removed from office by the Board, after having been given twenty (20) days notice in writing by the Secretary, and a chance to be heard. Causes for removal are:

(a) Permanent change of residence from the reservation.

(b) Conviction in any court of a felony while in office, and/or any course of conduct prejudicial to the tribes.

(c) Failure to attend three (3) regular meetings in succession, except that the Tribal Executive Board may approve reasonable grounds for non-attendance.

(d) The Tribal Executive Board shall by duly enacted ordinances establish such procedures and regulations necessary to carry out the intent of this article.

Delete per Amend No. 1, approved Oct. 6, 1971

(e) All questions which cannot be resolved by the Tribal Executive Board shall be referred to as the Fort Peck General Council.

ARTICLE VII. GOVERNMENTAL POWERS

The Tribal Executive Board shall exercise the following powers subject to any limitations imposed by the Constitution or Statutes of the United States and FORT PECK GENERAL COUNCIL, and subject further to all expressed restrictions upon such powers contained in this Constitution and Bylaws.

SECTION 1. To negotiate with Federal, State and local governments, and others on behalf of the tribes, and consult with representatives of the Department of the Interior on all activities which may affect the tribes.

SECTION 2. To employ legal counsel for the protection of the rights of the tribes.

SECTION 3. To make and enforce ordinances covering the tribes' right to levy taxes and license fees on persons or organizations doing business on the reservation, except that ordinances or regulations affecting non-members trading or residing within the jurisdiction of the tribes shall be subject to the approval of the Secretary of the Interior.

SECTION 4. To promote public health, education, security, charity, and such other services as may contribute to the social advancement of the members of the tribes.

SECTION 5. To provide, subject to the review of the Secretary of the Interior, or his authorized representative, for the maintenance of law and order and the administration of justice by establishing tribal courts and police force, and defining the powers and duties of same, and to promulgate criminal and civil codes or ordinances governing the conduct of the members of the tribes and non-members Indians residing within the jurisdiction of the tribes.

(a) To prescribe rules of inheritance, except alloted [sic] lands.

(b) To provide for an escheat of personal property to the Tribes of resident members who die intestate and without heirs.

(c) To protect and preserve the wildlife and natural resources of the reservation, and to regulate hunting and fishing on the reservation.

SECTION 6. To exclude from the restricted land of the reservation persons not legally entitled to reside thereon under ordinances subject to the review of the Secretary of the Interior.

SECTION 7. To adopt resolutions regulating the procedure of the Tribal Executive Board, its officials and committees in the conduct of tribal affairs.

SECTION 8. No authority contained in this Constitution and Bylaws may be delegated by the Tribal Executive Board to tribal officials, district councils, committees, delegates by the Tribal Executive Board to tribal officials, district councils, committees, delegates or associations, to carry out any functions for which this Tribal Executive Board assumes primary responsibility, except by ordinance or resolution duly enacted by the Tribal Executive Board in the legal session, and excepting those specific requirements contained in the Bylaws hereof.

SECTION 9. The Tribal Executive Board is hereby authorized to recognize claim councils, district committees, and other organizations open to the membership of the tribes, and to approve such organizations, and to provide financial support, services, or such other assistance as may be required to carry on programs beneficial to the membership of the tribes.

ARTICLE VIII. FUTURE POWERS

The Tribal Executive Board may exercise future powers as may be granted to it by the membership of the tribes by appropriate amendments to this document.

ARTICLE IX. RESERVE POWERS

Any rights and powers heretofore vested in the Assiniboine and/or Sioux Tribes, but not expressly referred to in this Constitution, shall not be abridged, but may be exercised through the adoption of appropriate amendments to this Constitution.

ARTICLE X. BUSINESS AND FISCAL AUTHORITIES

The Tribal Executive Board shall exercise the following powers subject to any limitations imposed by the Constitution or Statutes of the United States and subject further to all expressed restrictions upon such powers contained in this Constitution and Bylaws.

SECTION 1. Not more than seventy percent (70%) of the income of the Tribes in the United States Treasury shall be paid out in per capita payments each year among the enrolled members of the tribes.

SECTION 2. To administer any funds within the control of the tribes; to make expenditures from available funds for tribal purposes, including salaries and expenses to tribal officials or employees. All expenditures of tribal funds under control of the Tribal Executive Board shall be authorized in legal session and the amounts so expended shall be a matter of public record.

SECTION 3. The Tribal Executive Board shall prepare annual budget requests for advance to the control of the tribes, such funds as may be deposited to their credit in the United States Treasury, or which may hereafter be appropriated for their use.

SECTION 4. To manage, lease, permit or otherwise deal with tribal land, interest in lands or assets under tribal jurisdiction; and to purchase or otherwise acquire lands, or interest in lands within the Fort Peck Indian Reservation, in accordance with law.

SECTION 5. To engage in any business that will further the economic well-being of the members of the tribes, or undertake any programs or projects designed for the economic advancement of the people.

SECTION 6. To borrow money from the Federal Government, or other sources, and to direct the use of such funds for productive purposes, or to loan money thus borrowed to members of the tribes, with the approval of the Secretary of the Interior, or his authorized representative.

SECTION 7. To pledge or assign chattel or future income due or to become due, provided such agreement, pledge, assignment, or extension thereof shall be subject to the approval of the Secretary of the Interior, or his authorized representative.

SECTION 8. To make and perform contracts and agreements of every description, not inconsistent with law or the provisions of this Constitution and Bylaws, provided that any contract if required by law shall be subject to the approval of the Secretary of the Interior, or his authorized representative.

ARTICLE XI. BYLAWS

SECTION 1. GENERAL COUNCIL: Upon receipt of the Petition calling for General Council, the Chairman or in his absence, or failure to act within three (3) days, the Secretary, shall give fifteen (15) days notice of the time and place of such General Council by publication in newspapers having general circulation on the Fort Peck Reservation and by posting in three (3) public places in each election district.

SECTION 2. MEETINGS: The Tribal Executive Board shall establish regular and special meeting dates in accordance with duly enacted resolutions. The Secretary shall mail notices of all meetings and shall include dates, time, place, and purpose of special meetings at least three (3) days in advance.

SECTION 3. QUORUM: A quorum shall consist of a majority of the voting members of the Tribal Executive Board, and no business shall be conducted at any time a quorum is absent.

SECTION 4. MANNER OF ACTING: The act of a majority of the Tribal Executive Board representatives present at a meeting at which a quorum is present shall constitute the act of the Tribal Executive Board. Acts of the Tribal Executive Board may be by motion duly carried, except that any delegation of authority to act for and on behalf of the Tribal Executive Board shall be by written resolution and shall specify the nature of authority granted and the limitations, if any, imposed, excepting those authorities and responsibilities specifically outlined in these Bylaws.

SECTION 5. ACCOUNT:

(a) The Tribal Executive Board shall cause to be installed, maintained, and audited a complete and detailed accounting system and such safeguards as bonding officials and employees responsible for the safety, accuracy, and maintenance of such records and funds.

(b) All checks, drafts, or other order for the payment of Tribal money, notes, or other indebtedness issued in the name of the tribes, shall be signed by such officers, or agents, and in such manner as shall be prescribed by resolution. No tribal funds shall be disbursed except where so ordered by resolution.

SECTION 6. DUTIES OF OFFICERS:

Duties of Chairman:

(a) He shall preside at all regular and special meetings.

(b) He shall have general and active management of the affairs of the tribes except that he shall not act on matters binding the Tribal Executive Board until that body has deliberated and decided its course of action.

(c) He shall see that all resolutions and ordinances are carried into effect.

(d) He shall execute all official papers of the tribes when authorized to do so.

(e) He shall exercise general supervision of all other tribal officers and employees and see that their respective duties are performed.

(f) He shall submit a report of operations to the Tribal Executive Board at its regular meeting including all matters within his knowledge which the interest of the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation may require be brought to its attention.

(g) He shall vote in the case of a tie only.

Duties of Vice-Chairman:

(a) In the absence of the Chairman, he shall preside. Then so presiding he shall have all rights, privileges and duties, as set forth above under duties of Chairman, as well as the responsibility of the Chairman.

Duties of Secretary:

(a) He shall keep a book of minutes at the principal office of the tribes or at such other place as the Tribal Executive Board may order, of all meetings of the Tribal Executive Board in the manner and in the form prescribed by the Board.

(b) He shall attend to the giving and serving of all notices of the Tribal Executive Board as required by this Constitution.

(c) He shall keep the tribal roll, showing all changes therein as required by this Constitution. In addition, he shall keep a current voting list.

(d) He shall attend to all correspondence as may be assigned to him, and perform all other duties incidental to his office or prescribed by the Tribal Executive Board.

Duties of the Secretary as Accountant:

(a) He shall keep and maintain, open to inspection by the members of the tribes or representatives of the Commissioner of Indian Affairs at all reasonable times, adequate and correct accounts of the properties and business transactions of the tribes.

(b) He shall have care and custody of the funds and valuables of the tribes, and deposit same in the same of and to the credit of the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, with such depositories as the Board may direct.

(c) Disburse the funds of the tribes as may be ordered by the Tribal Executive Board, taking proper signed invoices, vouchers, or other instruments for said disbursements.

(d) Render to the Tribal Executive Board monthly report and account of all his transactions as Accountant, and an annual financial statement in forms and detail showing the condition of tribal expenditures, receipts and disbursements.

(e) The Tribal Accountant and all officers and employees whose duties involve the handling of tribal money or other resources, shall be bonded under the terms and conditions established by the Tribal Executive Board and approved by the Superintendent of the Fort Peck Reservation.

Duties of Sergeant-at-Arms:

(a) He shall act as Sergeant-at-Arms at all regular and special meetings and shall enforce all rules and see that peace and order are kept during the sessions of the Board.

(b) He shall perform other duties as assigned by the Tribal Executive Board.

(c) He shall not be a voting member of the Board.

ARTICLE XII. ROBERTS RULES OF ORDER

Roberts Rules of Order as revised shall govern all meetings of the General Council and the Tribal Executive Board except as otherwise provided in this Constitution and Bylaws.

ARTICLE XIII. MANNER OF REVIEW

SECTION 1. Any resolution or ordinance which by the terms of this Constitution is subject to review by the Secretary of the Interior shall within ten (10) days of its enactment by [sic] presented to the Superintendent of the Fort Peck Agency who shall within ten (10) days after its receipt by him approve or disapprove it.

SECTION 2. If the Superintendent approves any resolution or ordinance it shall thereupon become effective, but the Superintendent shall transmit the enactment bearing his endorsement to the Secretary of the Interior, who may, within 90 days of the date of its enactment rescind the resolution or ordinance for any cause by notifying the Fort Peck Tribal Executive Board of his veto.

SECTION 3. If the Superintendent disapproves any resolution or ordinance, he shall within ten (10) days after its receipts by him advise the Tribal Executive Board in writing of his reasons therefor, and if these reasons appear to the Board insufficient, if [sic] may, by vote of the majority of all members, refer the resolution or ordinance to the Secretary of the Interior and if approved by him in writing it shall become effective.

ARTICLE XIV. REFERENDUM

Upon a petition of at least twenty-five percent (25%) of the eligible voters of the tribes, or upon request of a majority of the Tribal Executive Board members, any enacted or proposed enactment of the Tribal Executive Board shall be submitted to a popular referendum and the vote of a majority of the qualified voters at that election shall be conclusive.

ARTICLE XV. AMENDMENT

This Constitution and Bylaws may be amended by a majority vote of the qualified voters of the tribes voting at an election called for that purpose by the Tribal Executive Board or General Council or under the provisions of Article XIV of this Constitution, provided that no amendment shall become effective until it shall have been approved by the Secretary of the Interior.

ARTICLE XVI. ADOPTION

This revised Constitution and Bylaws when adopted by a majority vote of the Assiniboie [sic] and Sioux Tribes of the Fort Peck Indian Reservation, Montana, voting at a special election called by the Tribal Executive Board, shall be submitted to the Secretary of the Interior, and shall be in full force and effect from the date of such approval by the Secretary of the Interior.

CERTIFICATE OF ADOPTION

Pursuant to an election called by the Fort Peck Tribal Executive Board, the attached Constitution and Bylaws of the Fort Peck Tribes, was submitted for ratification to the members of the Assiniboine and Sioux Tribes of the Fort Peck Reservation, Montana, and was on October 1, 1960, ratified by a vote of 756 for, and 141 against.

(sgd) Austin Buckles
Chairman, Fort Peck Tribal Executive Board

(sgd) Joseph W. Culbertson
Secretary, Fort Peck Tribal Executive Board

(sgd) Dale M. Baldwin
Superintendent, Fort Peck Agency

APPROVAL

I, George W. Abbott, Assistant Secretary of the Interior of the United States of America, do hereby approve the attached Constitution and Bylaws of the Fort Peck Tribes of the Fort Peck Indian Reservation, Montana.

Approval recommended:

(sgd) Glenn L. Emmons
Commissioner
Bureau of Indian Affairs

November 22, 1960

(sgd) George W. Abbott
Assistant Secretary of the Interior
(SEAL)

Washington, D.C.
Date: November 30, 1960

ENROLLMENT ORDINANCE

WHEREAS, the Executive Board of the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana, ascertained that it is necessary to determine membership of the Tribes in order that per capita payments may be made, and to provide otherwise for the general welfare of its members.

NOW, THEREFORE, BE IT RESOLVED, that membership of the Assiniboine and/or Sioux Tribes of the Fort Peck Reservation shall consist of:

SECTION 1. QUALIFICATIONS: The following individuals automatically qualify for membership in the Assiniboine and Sioux Tribes of the Fort Peck Reservation and shall be enrolled if they comply with the rules of procedure prescribed for enrollment by the Tribal Executive Board.

(a) **Basic Rolls.** Each living person of Assiniboine and/or Sioux blood whose names appear on either the 1932 annuity payment roll or an allotment schedule prepared and approved pursuant to the Acts of February 8, 1887 (24 Stat. 388), February 28, 1891 (26 Stat. 794), May 30, 1908 (35 Stat. 558), August 1, 1914 (38 Stat. 593), February 14, 1920 (41 Stat. 408), and March 3, 1927 (44 Stat. 1401), provided that he or she is not enrolled as a member of some other tribe.

(b) **Descendants of Persons on Basic Roll.** Each living person of Assiniboine or Sioux Blood born prior to the effective date of this Constitution who is a lineal descendent of a person whose name appears on one or both of the documents specified in **(a)** of this section regardless of whether such annuitant or allottee is living or deceased, provided that he or she is not enrolled as a member of some other tribe, and provided further that he or she is a citizen of the United States.

(c) **Adoptees.** Each person adopted into tribal membership by the General Council prior to the effective date of this Constitution whose adoption was approved by the Secretary of the Interior, or his authorized representative, provided such adoptee has not subsequently become enrolled as a member of some other tribe.

(d) **Future Members.** Each child of one-fourth or more Assiniboine and/or Sioux blood born after the effective date of this ordinance to any member of the Assiniboine and Sioux Tribes, provided the parents are citizens of the United States at the time of the child's birth.

SECTION 2. LOSS OF MEMBERSHIP: In no case shall a member lose his membership other than by personal request in writing to the Tribal Executive Board or establishing residence in a foreign country.

SECTION 3. RULES OF PROCEDURE: The Tribal Executive Board shall have the authority to appoint an Enrollment Committee of seven tribal members and to prescribe rules to be followed by the Committee and by the tribal members in compiling a membership roll in accordance with the provisions of this article. The completed roll to be approved by the Tribal Executive Board, and in case of distribution of tribal assets the roll shall be submitted to the Secretary of the Interior for final approval by him or by his authorized representative prior to such distribution.

SECTION 4. APPEALS: Any person who has been rejected for enrollment as a member of the Assiniboine and Sioux Tribes shall have the right to appeal within sixty days from the date of receipt of written notice of rejection to the Secretary of the Interior from the decision of the Tribal Executive Board, and the decision of the Secretary of the Interior shall be final.

SECTION 5. DEFINITION: Wherever the term "Assiniboine or Sioux blood" is used in this article, it shall be determined to mean the blood of either or both the Assiniboine or the Sioux Tribe of the Fort Peck Reservation, Montana.

BE IT FURTHER RESOLVED, that this membership ordinance when adopted by a majority vote of the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana, voting at a special election called by the Tribal Executive Board, shall be in full force and effect.

CERTIFICATE OF ADOPTION

Pursuant to an election called by the Fort Peck Tribal Executive Board the attached Enrollment Ordinance of the Fort Peck Tribes was submitted for ratification to the members of the Assiniboine and Sioux Tribes of the Fort Peck Reservation, Montana, and was on October 1, 1960, ratified by a vote of 744 for, and 144 against.

(sgd) Austin Buckles
Chairman, Fort Peck Tribal Executive Board

(sgd) Joseph W. Culbertson
Secretary, Fort Peck Tribal Executive Board

(sgd) Dale M. Baldwin
Superintendent, Fort Peck Agency

APPROVAL

I, George W. Abbott, Assistant Secretary of the Interior of the United States of America, hereby approve the attached Enrollment Ordinance of the Fort Peck Tribes of the Fort Peck Indian Reservation, Montana.

Approval recommended:

(sgd) Glenn L. Emmons
Commissioner
Bureau of Indian Affairs

November 22, 1960

(sgd) George W. Abbott
Assistant Secretary of the Interior
(SEAL)

Washington, D.C.
Date: November 30, 1960

The foregoing Constitution and Bylaws incorporates the changes approved by the following amendments:

First Amendment:

> "That commencing with the elections to be held in 1971, all officers of the Executive Board, consisting of the Chairman, Vice-Chairman, Sergeant-at-Arms and twelve additional members of the Board shall be elected at large."

Adopted at a special election called August 14, 1971, and approved by Assistant Secretary Loesch, October 6, 1971.

Second Amendment:

"SECTION 1 of ARTICLE IV, GOVERNING BODY, shall be amended to read as follows:

SECTION 1. The governing body of the tribes shall be known as the Tribal Executive Board, subject to the powers of the General Council.

A General Council may initiate ordinances or reject within ninety days any enactment of the Executive Board. Upon petition of at least ten per cent (10%) of the eligible voters of the tribes, a General Council shall be called by the Chairman at a place within the Fort Peck Reservation designated in the petition; a quorum shall consist of one hundred (100) eligible voters of the tribes. A stenographic transcript shall be kept of all proceedings of the General Council."

Adopted at regular election October 30, 1971, approved by Assistant Secretary Loesch, May 5, 1972.

Third Amendment:

"SECTION 2 of ARTICLE V, NOMINATIONS, ELECTIONS AND VACANCIES, shall be amended to read:

SECTION 2. All members of the Assiniboine and Sioux Tribes, as determined by Article III of this Constitution, who are 18 years of age or over, are eligible to vote, provided:

(a) Voters residing on the reservation shall be eligible to vote in the district in which they have last resided for a full 60 days immediately preceding the election. The registration of any member for voting at a State or County election shall be conclusive as establishing his or her place of residence.

(b) Non-resident voters may vote by absentee ballot in the last district of their former affiliation, provided they have registered their intent to vote in that district at least 30 days prior to the date of the election."

Adopted at regular election October 27, 1973; approved by Area Director Canan, July 29, 1974.

Fourth Amendment:

"SECTION 2 of ARTICLE V, NOMINATIONS, ELECTIONS AND VACANCIES, shall be amended to read:

SECTION 2. All members of the Assiniboine and Sioux Tribes, as determined by Article III of this Constitution, who are 18 years of age or over, are eligible to vote, provided:

(a) Voters residing on the reservation shall be eligible to vote in the district in which they have last resided for a full 60 days immediately preceding the election. The registration of any member for voting at a State or County election shall be conclusive as establishing his or her place of residence.

(b) Non-resident voters may vote by absentee ballot in the last district of their former affiliation, provided they have registered their intent to vote in that district at least 30 days prior to the election date."

Adopted at regular election October 29, 1977; approved by Area Director Canan, February 13, 1978.

Fifth Amendment:

ARTICLE XI, BYLAWS -- SECTION 5, ACCOUNT:

Repeal ARTICLE XI, SECTION 5(a) of the Bylaws and conform the present paragraph numbers "SECTION 5(b)" and "SECTION 5(c)" to "SECTION 5(a)" and "SECTION 5(b)."

Adopted at regular election October 29, 1977; approved by Area Director Canan, February 13, 1978.

I hereby certify that the above is a true and correct copy of the Constitution and Bylaws of the Assiniboine and Sioux Tribes of the Fort Peck Reservation, Montana, duly approved effective October 1, 1960 by letter dated November 30, 1960 from Assistant Secretary of the Interior George W. Abbott to Dale Baldwin, Superintendent, Fort Peck Agency and incorporating I, II, III, IV, and V, duly approved as indicated above.

Burton A. Rider
Superintendent, Fort Peck Agency

Poplar, Montana

112.1

CONSTITUTION AND BYLAWS

of the

LITTLE SHELL TRIBE

of

CHIPPEWA INDIANS OF MONTANA*

☆ ☆ ☆

September 10, 1977

*A new, revised Constitution has been prepared. Approval by the federal government is pending.

CONSTITUTION AND BYLAWS
of the
LITTLE SHELL TRIBE
of
CHIPPEWA INDIANS OF MONTANA

PREAMBLE

We, the original Tribe of Chippewa Indians under the late Thomas Little Shell known as the Little Shell Tribe of the State of Montana.

Being grateful to the Almighty God for the great blessings of friendship, peace, freedom and liberties enjoyed in the past and may the same be perpetually maintained.

And in order to secure to ourselves and our descendants the advantage of a tribal government to exercise the rights of local self government, to administer all tribal affairs to the best advantage of the individual members, to preserve and increase our tribal resources and in accordance with the provisions of the enabling act of Congress approved on the 18th day of June, 1934 A.D. the year of Our Lord, do ordain and establish this Constitution of the late Chief Thomas Little Shell, the Little Shell Tribe of Chippewa Indians of the State of Montana and laying its foundations upon the fundamental principles of the Constitution of the United States, realizing the fact that we are under its jurisdiction which has prompted us to be governed by its principles, organizing its powers in such a form as to be in conformity with any just and constitutional laws of our federal, state and local governments which would seem to effect the safety of our rights, freedom and liberties accorded all other citizens of the United states under its Constitution.

We therefore, formulate this Constitution, acting in conformity with the present democratic form of government.

11

LITTLE SHELL TRIBE
OF CHIPPEWA INDIANS OF MONTANA

BYLAWS

ARTICLE I. GOVERNING BODY

SECTION I. All Officers must be qualified members of the Tribe.

SECTION II. The governing body of the Little Shell Tribe of Chippewa Indians of Montana shall be known as the Executive Board.

SECTION III.

(A) The Executive Board shall consist of the President, Vice-President, 2nd Vice-President, Secretary-Treasurer, and all Area Council members.

(B) The Executive Committee, shall consist of the President, Vice-President, 2nd Vice-President, Secretary-Treasurer and a minimum of three (3) council members. The Executive Committee shall constitute a quorum to conduct business on the Executive Board's behalf.

SECTION IV. Elections shall be held every two years, for each council member, every four (4) years for the Executive Officers.

SECTION V. If a council member or Official shall die, resign permanently, leave his or her district or not be able to represent the district in the best interest of the Tribe or be found guilty of a felony or misdemeanor involving dishonesty in any Indian, State or Federal Court, the Executive Committee shall declare the position vacant and call a district special election to fill the vacancy.

SECTION VI. Any Officer of the Executive Board who misses three (3) meetings in a row without reasonable cause, may be replaced by vote of the Executive Committee after a grievance hearing of the Executive Committee.

ARTICLE II. JURISDICTION

SECTION I. The jurisdiction of the Little Shell Tribe of Chippewa Indians of the State of Montana shall extend to the territory within all lands acquired by purchase or otherwise

for their use and occupancy in the State of Montana and such other lands as may hereafter be acquired and added to their jurisdiction by law.

ARTICLE III. POWERS OF EXECUTIVE BOARD

SECTION I. The Executive Board of the Chippewa Indians of Montana shall exercise the following powers, subject to the limitations imposed by the statutes or the Constitution of the United states and subject further to all express restrictions upon such powers contained in the Constitution and Bylaws.

SECTION II. To negotiate with the Federal and local governments on behalf of the Tribe and to advise and consult with representatives of the Interior Department that may affect our organization.

SECTION III. To advise the Secretary of Interior with regard to all appropriation estimates or federal projects for the benefit of the Tribe, prior to the submission of such estimates to the Bureau of Budget and to Congress.

SECTION IV. To approve all applications for selection of land.

SECTION V. To approve all applications for enrollment as members of the Little Shell Tribe.

SECTION VI. To manage all economic affairs and enterprises [sic] of the Little Shell Tribe of Chippewa Indians of Montana.

SECTION VII. To administer all estates and determine heirs in accordance with the ordinances of the Tribe.

SECTION VIII. To encourage and foster the Arts, Crafts, Culture and traditions of the Pembina Band of Chippewa Indians.

SECTION IX. To employ legal counsel when needed for the protection and advancement of the Tribe.

SECTION X. To exercise such further powers as may in the future be delegated to the Executive Board by members of the Tribe, the Secretary of Interior or by any other duly authorized Official or Agency of the government.

SECTION XI. Any rights and powers heretofore vested in the Little Shell Tribe of Chippewa Indians of Montana but not expressly referred to in this Constitution shall not

be abridged by this Article but may be exercised by the people of the Little Shell Tribe of Chippewa Indians through adoption of appropriate bylaws and Constitutional Amendments.

ARTICLE IV. REFERENDUM

SECTION I. Upon petition of at least one-half of the voters of the Executive Board or upon the request of the majority of the members, any enacted or proposed ordinance or resolution of the Executive Committee shall be submitted to popular referendum and the vote of a majority of the attending voters on such referendum shall be conclusive and binding on the committee.

SECTION II. Alternate [sic] may vote -- only in absence of elected council member.

ARTICLE V. MEMBERSHIP

SECTION I. All members of the Little Shell Tribe of Chippewa Indians of the State of Montana whose application as an Indian has been approved or may hereafter be approved by the Executive Committee of said Tribe.

SECTION II. Any Indian of Pembina ancestry and one-quarter (1/4) degree Indian blood providing they never have received an allotment or land derived by other Indian Reservations through adoption or marriage, subject to approval identical to Section I.

SECTION III. All children born to members of the Tribe who posess [sic] one-quarter (1/4) degree Indian blood are entitled to membership.

ARTICLE VI. AMENDMENTS

SECTION I. This Constitution and Bylaws may be amended by a majority vote of the qualified voters of the Tribe voting at elections called for that purpose.

ARTICLE VII.

SECTION I: OFFICERS.

(A) The President, Vice-President, 2nd Vice-President and Secretary-Treasure shall be elected by majority vote of the council members of the Tribe by secret ballot.

(B) District council members shall be elected in the manner prescribed by that particular district's voters.

(C) District council members shall be able to vote for all members of his or her district with their permission at State level meetings.

(D) The President of the Executive Committee shall preside over all meetings of the Committee and exercise any and all authority delegated to him by members of the Executive Committee. He shall vote only in case of a tie.

SECTION II.

(A) The Secretary-Treasurer of the Executive Committee shall conduct all Tribal correspondence and shall keep an accurate record of all matters transacted at the business meetings. It shall be his or her duty to submit promptly to the Officer's and members of the Executive Committee and the Billings and Aberdeen Area Offices of the Bureau of Indian Affairs; copies of the minutes of regular and special meetings, and resolutions of the Tribe.

(B) The Secretary-Treasurer of the Executive Committee shall accept, receive, receipt for and safeguard all funds in the custody of the Committee whether same be Tribal funds or special funds for which the Committee is acting as trustee or custodian. Checks and drafts shall be endorsed for deposit only. He or she shall deposit such funds in a bank elsewhere as directed by the Committee and shall make and preserve a faithful record of such funds and shall report on all receipts and expenditures and the amount and nature of all funds in his or her posession [sic] or custody, such a report being made in writing to the Executive Committee at regular meetings and at such other times as requested by the Committee.

(C) He or she shall not pay out or otherwise disburse any funds in his or her posession [sic] or custody except when properly authorized to do so by the Executive Committee.

(D) All checks shall be signed by two (2) Officers of the Executive Committee.

(E) The books and records of the Secretary-Treasurer shall be audited at least once a year and at such other times as the Executive Committee may direct.

SECTION III: MEETINGS.

(A) Regular State meetings will be held every three (3) months.

(B) Special meetings may be called at any time by the President of the Executive Committee or by a majority vote of the Executive Committee.

(C) Order of Business:

(1) Call to Order
(2) Invocation
(3) Introduction of Officers, Roll Call
(4) Previous minutes read & approved
(5) Treasurer's report read & approved
(6) Chairman's Report
(7) Committee Reports:
    (a) Federal Recognition Committee
    (b) Education Committee
    (c) Health Committee
    (d) Enrollment Committee
    (e) Claim's Commission Committee
    (f) Ways & Means Committee
(8) Old Business
(9) New Business
(10) Other Business (Pass the hat)
(11) Adjournment

No. 85-01

RESOLUTION
of the
GOVERNING BODY
of the
LITTLE SHELL TRIBE OF CHIPPEWA INDIANS
OF MONTANA

WHEREAS, the Little Shell Tribe of Chippewa Indians of Montana has been organized to represent, develop, protect, and advance the views, interests, resources and education of its members; and

WHEREAS, the Little Shell Tribe of Chippewa Indians of Montana has submitted a petition for federal recognition to the United States government, which petition is pending active review; and

WHEREAS, the Federal Acknowledgment Project staff, Office of Indian Services, Bureau of Indian Affairs issued a routine obvious deficiency letter relative to the Tribe's petition, April 15, 1985, said letter requesting interpretation and clarification of Sections I, II, and III of Article V of the Constitution and the applicability of Resolution 84-011 as to operative tribal membership criteria.

NOW, THEREFORE, BE IT RESOLVED, that the Little Shell Tribe of Chippewa Indians of Montana, acting through the Tribal Council, declares the following relative to tribal membership criteria/requirements:

1. Resolution 84-011, which ostensibily [sic] limited tribal membership to persons of "at least one-quarter Pembina Chippewa blood," which is further defined as "Chippewa-Cree Blood derived from Pembina ancestry," is hereby rescinded.

2. The membership criteria enumerated in Article V, Sections I, II and III of the tribal constitution are hereby reaffirmed and duly recognized as constituting and describing the sole and entire class of Indian persons eligible for membership in the Little Shell Tribe of Chippewa Indians of Montana.

3. The language of Article V of the tribal constitution, consistent with historical and contemporary understanding, is to be construed and interpreted as follows:

(a) Section I provides:

> *All members of the Little Shell Tribe of Chippewa Indians of the State of Montana whose application as an Indian has been approved or may hereafter be approved by the Executive Committee of said Tribe.*

This section means that members of the Tribe shall consist of Indians of Pembina Chippewa ancestry listed on the Roe Cloud Roll completed by the Secretary of Interior during the 1930's, provided that said Indians' applications for enrollment in the Tribe have been approved by the Tribe's Executive Committee (Tribal Council).

(b) Section II provides:

> *Any Indian of Pembina ancestry and one-quarter (1/4) degree Indian blood providing they never have received an allotment of land derived by other Indian Reservations though [sic] adoption or marriage, subject to approval identical to Section I.*

This section means that members of the Tribe shall consist of descendants of Indians of Pembina Chippewa ancestry listed on the Roe Cloud Roll, provided that said descendants: (1) possess a minimum of one-quarter degree (1/4) Indian blood, Pembina Chippewa or otherwise; (2) are not enrolled in another Indian tribe, through adoption, marriage or otherwise; and (3) make application to and secure approval for enrollment in the Tribe by the Tribal Council.

(c) Section III provides:

> *All children born to members of the Tribe who possess one-quarter (1/4) degree Indian blood are entitled to membership.*

This section means that any child born to a member or members of the Tribe (as defined in Sections I and II) who possess a minimum of one-quarter degree (1/4) Indian blood may become a member of the Tribe upon application to and approval by the Tribal Council. The obvious inference, *inter alia*, is that Pembina descendants of one-eighth degree (1/8) Indian blood are eligible for membership in the Tribe, provided that their Indian parent is of Pembina ancestry, possesses a minimum of one-quarter degree (1/4) Indian blood and is an enrolled member of the Tribe.

CERTIFICATION

We, the undersigned officers of the Little Shell Tribe of Chippewa Indians of Montana Tribal Council, certify that on the 14th day of September, 1985, at a special meeting duly convened, the Little Shell Tribe of Chippewa Indians of Montana Tribal Council voted to adopt the above resolution by a vote of 7 for, and 0 against, with ___ abstaining.

DATED THIS 14th DAY OF SEPTEMBER, 1985.

Donald F. Bishop (sgd)
CHAIRMAN, Little Shell Tribe of
Indians of Montana
Tribal Council

Debbie Swanson, Sec. Pro-tem
SECRETARY, Little Shell Tribe of
Chippewa Indians of Montana
Tribal Council

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

☆ ☆ ☆

CORPORATE CHARTER

of the

CHIPPEWA CREE TRIBE

of the

ROCKY BOY'S RESERVATION,

MONTANA

☆ ☆ ☆

Ratified July 25, 1936

United States
Government Printing Office
Washington, D.C., 1937

CORPORATE CHARTER
of the
CHIPPEWA CREE TRIBE
of the
ROCKY BOY'S RESERVATION, MONTANA

A Federal Corporation Chartered Under the Act of June 18, 1934

WHEREAS, the Chippewa Cree Tribe of the Rocky Boy's Reservation in Montana, a recognized Indian Tribe organized under a Constitution and Bylaws ratified by the Tribe on November 2, 1934 and approved by the Secretary of the Interior on November 23, 1935 pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378); and

WHEREAS, more than one-third of the adult members of the Tribe have petitioned that a charter of incorporation be granted to such Tribe, subject to ratification by a vote of the adult Indians living on the reservation;

NOW, THEREFORE, I, Harold L. Ickes, Secretary of the Interior, by virtue of the authority conferred upon me by the said Act of June 18, 1934 (48 Stat. 984), do hereby issue and submit this charter of incorporation to the Chippewa Cree Tribe of the Rocky Boy's Reservation to be effective from and after such time as it may be ratified by a majority vote in an election at which at least thirty per cent of the adult Indians living on the reservation shall vote.

CORPORATE EXISTENCE AND PURPOSES

1. In order to further the economic development of the Chippewa Cree Tribe of the Rocky Boy's Reservation in Montana by conferring upon the said Tribe certain corporate rights, powers, privileges and immunities; to secure for the members of the Tribe an assured economic independence; and to provide for the proper exercise by the Tribe of various functions heretofore performed by the Department of the Interior, the aforesaid Tribe is hereby chartered as a body politic and corporate of the United States of America, under the corporate name "The Chippewa Cree Tribe of the Rocky Boy's Reservation."

PERPETUAL SUCCESSION

2. The Chippewa Cree Tribe of the Rocky Boy's Reservation shall, as a Federal Corporation, have perpetual succession.

MEMBERSHIP

3. The Chippewa Cree Tribe of the Rocky Boy's Reservation shall be a membership corporation. Its members shall consist of all persons now or hereafter members of the Tribe, as provided by its duly ratified and approved Constitution and Bylaws.

MANAGEMENT

4. The Business Committee of the Chippewa Cree Tribe, established in accordance with the said Constitution and Bylaws of the Tribe, shall exercise all the corporate powers hereinafter enumerated.

CORPORATE POWERS

5. The Tribe, subject to any restrictions contained in the Constitution and laws of the United States, or in the Constitution and Bylaws of the said Tribe, shall have the following corporate powers, in addition to all powers already conferred or guaranteed by the Tribal Constitution and Bylaws.

(a) To adopt, use, and alter at its pleasure a corporate seal.

(b) To purchase, take by gift, bequest, or otherwise own, hold, manage, operate, and dispose of property of every description, real and personal, subject to the following limitations:

(1) No sale or mortgage may be made by the Tribe of any land or interests in land., including water power sites, water rights, oil, gas, and other mineral rights now or hereafter held by the Tribe within the boundaries of the Rocky Boy's Reservation.

(2) No mortgage may be made by the Tribe of any standing timber on any land now or hereafter held by the Tribe within the boundaries of the Rocky Boy's Reservation.

(3) No leases, permits (which terms shall not include land assignments to members of the Tribe) or timber sale contracts covering any land or interests in land now or hereafter held by the Tribe within the boundaries of the Rocky Boy's Reservation shall be made by the Tribe for a longer term than ten years, and all such leases, permits or contracts must be approved by the Secretary of the Interior or by his duly authorized representative; but oil and gas leases, water power leases, or any leases requiring substantial improvements of the land may be made for longer periods when authorized by law.

(4) No action shall be taken by or in behalf of the Tribe which in any way operates to destroy or injure the tribal grazing land, timber, or other natural resources of the Rocky Boy's Reservation. All leases, permits, and timber sale contracts relating to the use of tribal grazing or timber lands shall conform to regulations of the Secretary of the Interior authorized by Section 6 of the Act of June 18, 1934, with respect to range carrying capacity, sustained yield forestry management, and other matters therein specified. Conformity to such regulations shall be made a condition of any such lease, permit, or timber sale contract, whether or not such agreement requires the approval of the Secretary of the Interior, and violations of such condition shall render the agreement revocable, in the discretion of the Secretary of the Interior.

(c) To borrow money from the Indian Credit Fund in accordance with the terms of Section 10 of the Act of June 18, 1934 (48 Stat. 984), or from any other Governmental agency, or from any member or association of members of the Tribe, and to use such funds directly for productive tribal enterprises, or to loan money thus borrowed to individual members or associations of members of the Tribe: PROVIDED, That the amount of indebtedness to which the Tribe may subject itself, other than indebtedness to the Indian Credit Fund, shall not exceed $50,000, except with the express approval of the Secretary of the Interior.

(d) To engage in any business that will further the economic well-being of the members of the Tribe or to undertake any activity of any nature whatever, not inconsistent with law or with any provisions of this charter.

(e) To make and perform contracts and agreements of every description, not inconsistent with law or with any provisions of this charter, with any person, association, or corporation, with any municipality or any county, or with the United States or the State of Montana, including agreements with the State of Montana for the rendition of public services: PROVIDED, That any contract involving payment of money by the corporation in excess of $3,000 in any one fiscal year shall be subject to the approval of

the Secretary of the Interior or his duly authorized representative.

(f) To pledge or assign any chattels or future tribal income due or to become due to the Tribe: PROVIDED, That such agreements of pledge or assignment, other than an agreement with the United States, shall not extend more than 10 years from the date of execution and shall not cover more than one-fourth the net tribal income in any one year: AND PROVIDED FURTHER, That any such agreement shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

(g) To deposit corporate funds, from whatever source derived, in any national or state bank to the extent that such funds are insured by the Federal Deposit Insurance Corporation, or secured by a surety bond, or other security, approved by the Secretary of the Interior; or to deposit such funds in the Postal Savings Bank or with a bonded disbursing officer of the United States to the credit of the corporation.

(h) To sue and to be sued in courts of competent jurisdiction within the United States; but the grant or exercise of such power to sue and to be sued shall not be deemed a consent by the said Tribe, or by the United States to the levy of any judgment, lien or attachment upon the property of the Tribe other than income or chattels specially pledged or assigned.

(i) To exercise such further incidental powers, not inconsistent with law, as may be necessary to the conduct of corporate business.

TERMINATION OF SUPERVISORY POWERS

6. Upon the request of the Business Committee for the termination of any supervisory power reserved to the Secretary of the Interior under Sections 5(b)(3), 5(c), 5(e), 5(f), 5(g), and Section 8 of this charter, the Secretary of the Interior, if he shall approve such request, shall thereupon submit the question of such termination to the Tribe for referendum. The termination shall be effective upon ratification by a majority vote at an election in which at least thirty per cent of the adult members of the Tribe residing on the reservation shall vote. If at any time after five years from the effective date of this charter, such request shall be made and the Secretary shall disapprove it or

fail to approve or disapprove it within ninety days after its receipt the question of the termination of any such power may then be submitted by the Secretary of the Interior or by the Business Committee, to popular referendum of the adult members of the Tribe actually living within the reservation and if the termination is approved by two-thirds of the eligible voters, shall be effective.

CORPORATE PROPERTY

7. No property rights of the Chippewa Cree Tribe, as heretofore constituted, shall be in any way impaired by anything contained in this charter, and the tribal ownership of unallotted lands, whether or not assigned to the use of any particular individuals, is hereby expressly recognized. The individually owned property of members of the Tribe shall not be subject to any corporate debts or liabilities, without such owners' consent. Any existing lawful debts of the Tribe shall continue in force, except as such debts may be satisfied or canceled pursuant to law.

CORPORATE DIVIDENDS

8. The Tribe may issue to each of its members a non-transferable certificate of membership evidencing the equal share of each member in the assets of the Tribe and may distribute per capita, among the recognized members of the Tribe, all profits of corporate enterprises or income over and above sums necessary to defray corporate obligations and over and above all sums which may be devoted to the establishment of a reserve fund, the construction of public works, the costs of public enterprises, the expenses of tribal government, the needs of charity, or other corporate purpose. No such distribution of profits or income in any one year amounting to more than $20.00 shall not be made without the approval of the Secretary of the Interior. No distribution of the financial assets of the Tribe shall be made except as provided herein or as authorized by Congress.

AMENDMENTS

9. This charter shall not be revoked or surrendered except by act of Congress, but amendments may be proposed by resolutions of the Business Committee, which, if approved by the Secretary of the Interior, to be effective shall be ratified by a majority vote of the adult members living on the reservation at a popular referendum in which at least thirty per cent of the eligible voters vote.

RATIFICATION 10. This charter shall be effective from and after the date of its ratification by a majority vote of the adult members of the Chippewa Cree Tribe living on the Rocky Boy's Reservation, provided at least thirty per cent of the eligible voters shall vote, such ratification to be formally certified by the Superintendent of the Rocky Boy's Agency and the Chairman of the Business Committee, of the Chippewa Cree Tribe.

SUBMITTED BY the Secretary of the Interior for ratification by the Chippewa Cree Tribe of the Rocky Boy's Reservation in a popular referendum to be held on July 25, 1936.

HAROLD L. ICKES,
Secretary of the Interior
[seal]

WASHINGTON, D.C., July 18, 1936

CERTIFICATION

It is hereby certified that the Charter of Incorporation, issued to the Chippewa Cree Tribe of the Rocky Boy's Reservation, in Montana, by the Secretary of the Interior under date of July 18, 1936, was duly ratified at an election held July 25, 1936, at which more than thirty per cent of the eligible voters of the Rocky Boy's Reservation voted (the vote being 161 for ratification and 5 against; the number of eligible voters being 270).

DAN SANGREY,
Chairman, Business Committee

EARL WOOLDRIDGE,
Superintendent, Rocky Boy's Agency, Montana

Dated this 27th day of July, 1936, at Rocky Boy, Montana

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

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CORPORATE CHARTER

of the

NORTHERN CHEYENNE TRIBE

of the

TONGUE RIVER RESERVATION,

MONTANA

☆ ☆ ☆

Ratified November 7, 1936

United States
Government Printing Office
Washington, D.C., 1957

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CORPORATE CHARTER
of the
NORTHERN CHEYENNE TRIBE
of the
TONGUE RIVER RESERVATION, MONTANA

A Federal Corporation Chartered Under the Act of June 18, 1934

WHEREAS, The Northern Cheyenne Tribe of the Tongue River Reservation in Montana is a recognized Indian Tribe organized under a Constitution and Bylaws ratified by the Tribe on November 2, 1935 and approved by the Secretary of the Interior on November 23, 1935 pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378); and

WHEREAS, more than one-third of the adult members of the Tribe have petitioned that a charter of incorporation be granted to such Tribe, subject to ratification by a vote of the adult Indians living on the reservation;

NOW, THEREFORE, I, T.A. Walters, Acting Secretary of the Interior, by virtue of the authority conferred upon me by the said Act of June 18, 1934 (48 Stat. 984), do hereby issue and submit this charter of incorporation to the Northern Cheyenne Tribe of the Tongue River Reservation to be effective from and after such time as it may be ratified by a majority vote in an election at which at least thirty per cent of the adult Indians living on the reservation shall vote.

CORPORATE EXISTENCE AND PURPOSES

1. In order to further the economic development of the Northern Cheyenne Tribe of the Tongue River Reservation in Montana by conferring upon the said Tribe certain corporate rights, powers, privileges and immunities to secure for the members of the Tribe an assured economic independence; and to provide for the proper exercise by the Tribe of various functions heretofore performed by the Department of the Interior, the aforesaid Tribe is hereby chartered as a body politic and corporate of the United States of America, under the corporate name "The Northern Cheyenne Tribe."

PERPETUAL SUCCESSION

2. The Northern Cheyenne Tribe shall, as a Federal Corporation, have perpetual succession.

MEMBERSHIP 3. The Northern Cheyenne Tribe shall be a membership corporation. Its members shall consist of all persons now or hereafter members of the Tribe, as provided by its duly ratified and approved Constitution and Bylaws.

MANAGEMENT 4. The Tribal Council of the Northern Cheyenne Tribe established in accordance with the said Constitution and Bylaws of the Tribe, shall exercise all the corporate powers hereinafter enumerated.

CORPORATE POWERS 5. The Tribe, subject to any restrictions contained in the Constitution and laws of the United States, or in the Constitution and Bylaws of the said Tribe, shall have the following corporate powers, in addition to all powers already conferred or guaranteed by the Tribal Constitution and Bylaws:

(a) To adopt, use, and alter at its pleasure a corporate seal.

(b) To purchase, take by gift, bequest, or otherwise own, hold manage, operate, and dispose of property of every description, real and personal, subject to the following limitations:

(1) No sale or mortgage may be made by the Tribe of any land, or interests in land, including water power sites, water rights, oil, gas, and other mineral rights, now or hereafter held by the Tribe within the boundaries of the Tongue River Reservation.

(2) No mortgage may be made by the Tribe of any standing timber on any land now or hereafter held by the Tribe within the boundaries of the Tongue River Reservation.

(3) No leases, permits (which terms shall not include land assignments to members of the Tribe) or timber sale contracts covering any land or interests in land now or hereafter held by the Tribe within the boundaries of the Tongue River Reservation shall be made by the Tribe for a longer term than five years, as provided in Section 1(c), Article IV, of the Constitution of the Tribe, and all such leases, permits or contracts must be approved by the Secretary of the Interior or by his duly authorized representative; but oil and gas leases, water power leases, or any leases requiring substantial

improvements of the land may be made for longer periods when authorized by law.

(4) No action shall be taken by or in behalf of the Tribe which in any way operates to destroy or injure the tribal grazing lands, timber, or other natural resources of the Tongue River Reservation. All leases, permits, and timber sale contracts relating to the use of tribal grazing or timber lands shall conform to regulations of the Secretary of the Interior authorized by Section 6 of the Act of June 18, 1934, with respect to range carrying capacity, sustained yield forestry management, and other matters therein specified. Conformity to such regulations shall be made a condition of any such lease, permit, or timber sale contract, whether or not such agreement requires the approval of the Secretary of the Interior, and violation of such condition shall render the agreement revocable, in the discretion of the Secretary of the Interior.

(c) To borrow money from the Indian Credit Fund in accordance with the terms of Section 10 of the Act of June 18, 1934 (48 Stat. 984), or from any other Governmental agency, or from any member or association of members of the Tribe, and to use such funds directly for productive tribal enterprises, or to loan money thus borrowed to individual members or associations of members of the Tribe, provided that the amount of indebtedness to which the Tribe may subject itself, other than indebtedness to the Indian Credit Fund, shall not exceed $25,000, except with the express approval of the Secretary of the Interior.

(d) To engage in any business that will further the economic well-being of the members of the Tribe or to undertake any activity of any nature whatever, not inconsistent with all or with any provisions of this charter.

(e) To make and perform contracts and agreements of every description, not inconsistent with law or with any provisions of this charter, with any person, association, or corporation, with any municipality or any county, or with the United States or the State of Montana including agreements with the State of Montana for the rendition of public services, provided that any contract involving

payment of money by the corporation in excess of $5,000 in any one fiscal year shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

(f) To pledge or assign chattels or future tribal income due or to become due to the Tribe, provided that such agreements of pledge or assignment, other than on agreement with the United States, shall not extend more than ten years from the date of execution and shall not cover more than one-half the net tribal income from any one source, and provided further that any such agreement shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

(g) To deposit corporate funds, from whatever source derived, in any national or state bank to the extent that such funds are insured by the Federal Deposit Insurance Corporation, or secured by a surety bond, or other security, approved by the Secretary of the Interior; or to deposit such funds in the Postal Savings Bank or with a bonded disbursing officer of the United States to the credit of the corporation.

(h) To sue and to be sued in courts of competent jurisdiction within the United States; but the grant or exercise of such power to sue and to be sued shall not be deemed a consent by the said Tribe or by the United States to the levy of any judgment, lien or attachment upon the property of the Tribe other than income or chattels specially pledged or assigned.

(i) To exercise such further incidental powers, not inconsistent with law, as may be necessary to the conduct of corporate business.

TERMINATION OF SUPERVISORY POWERS

6. Upon the request of the Tribal Council for the termination of any supervisory power reserved to the Secretary of the Interior under Sections 5(b)(3), 5(c), 5(e), 5(f), 5(g), 5(h), and Section 8 of this charter, the Secretary of the Interior, if he shall approve such request, shall thereupon submit the question of such termination to the Tribe for a referendum vote. The termination shall be effective upon ratification by a majority vote at an election in which at least thirty per cent of the adult members of the Tribe residing on the reservation shall vote. If

at any time after five years from the effective date of this charter, such request shall be made and the Secretary shall disapprove it or fail to approve or disapprove it within ninety days after its receipt, the question of the termination of any such power may then be submitted by the Secretary of the Interior or by the Tribal Council to popular referendum of the adult members of the Tribe actually living within the reservation and if the termination is approved by two-thirds of the eligible voters, shall be effective.

CORPORATE PROPERTY

7. No property rights of the Northern Cheyenne Tribe, as heretofore constituted, shall be in any way impaired by anything contained in this charter, and the tribal ownership of unallotted lands, whether or not assigned to the use of any particular individuals, is hereby expressly recognized. The individually owned property of members of the Tribe shall not be subject to any corporate debts or liabilities, without such owners' consent. Any existing lawful debts of the Tribe shall continue in force, except as such debts may be satisfied or canceled pursuant to law.

CORPORATE DIVIDENDS

8. The Tribe may issue to each of its members a non-transferable certificate of membership evidencing the equal share of each member in the assets of the Tribe and may distribute per capita, among the recognized members of the Tribe, all profits of corporate enterprises or income over and above sums necessary to defray corporate obligations and over and above all sums which may be devoted to the establishment of a reserve fund, the construction of public works, the costs of public enterprises, the expenses of tribal government, the needs of charity, or other corporate purpose. No such distribution of profits or income in any one year amounting to more that $25.00 per capita shall be made without the approval of the Secretary of the Interior. No distribution of the financial assets of the Tribe shall be made except as provided herein or as authorized by Congress.

CORPORATE ACCOUNTS

9. The officers of the Tribe shall maintain accurate and complete public accounts of the financial affairs of the Tribe, which shall clearly show all credits, debt, pledges, and assignments, and shall furnish an annual balance sheet and report of the financial affairs of the Tribe to the Commissioner of Indian Affairs. The

books of the Treasurer shall be open to inspection by members of the Tribe or duly authorized representatives of the Government at all reasonable times.

AMENDMENTS 10. This charter shall not be revoked or surrendered except by act of Congress, but amendments may be proposed by resolutions of the Council which, if approved by the Secretary of the Interior, shall be effective when ratified by a majority vote of the adult members living on the reservation at a popular referendum in which at least thirty per cent of the eligible voters vote.

RATIFICATION 11. This charter shall be effective from and after the date of its ratification by a majority vote of the adult members of the Northern Cheyenne Tribe living on the Tongue River Reservation, provided at least thirty per cent of the eligible voters shall vote, such ratification to be formally certified by the Superintendent of the Tongue River Agency and the Chairman of the Tribal Council of the Tribe.

SUBMITTED BY the Secretary of the Interior for ratification by the Northern Cheyenne Tribe of the Tongue River Reservation in a popular referendum to be held on November 7, 1936.

T.A. WALTERS,
Acting Secretary of the Interior
[seal]

WASHINGTON, D.C., October 24, 1936

CERTIFICATE OF REFERENDUM ELECTION ON ACCEPTANCE OF CHARTER, TONGUE RIVER RESERVATION

We, the undersigned, hereby certify that in accordance with instructions of the Acting Secretary of the Interior, as contained in his letter of October 24, 1936 to the Superintendent, and in the corporate charter of the Northern Cheyenne Tribe of the Tongue River Reservation, an election was held on November 7, 1936, for the purpose of voting upon the ratification of the said charter.

We further certify that at this election 529 votes were cast by qualified electors and that as the total number of eligible voters is 744, the total of the votes cast is more than thirty percent of the eligible voters.

We further certify that we have completed an official count of these votes, the result of which shows the following:

Votes in favor of adoption of the charter	448
Votes opposed to adoption of the charter	73
Votes rejected as illegal or spoiled	8
Total	529

In view of the above, we hereby certify that the aforesaid charter has been duly ratified and has become effective as provided in Section 17 of the Act of June 18, 1934 (48 Stat. 984).

CHAS. H. JENNINGS,
Superintendent

JOE WHITEBEAR,
President of the Tribal Council

EUGENE FISHER, SR.,
Chairman of Election Committee

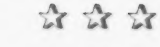
RUFUS WALLOWING,
Member of Election Board

LAME DEER, MONTANA, November 9, 1936

THE INDIAN REORGANIZATION ACT

Government of the United States
73rd Congress, Session II
Chapter 576

June 18, 1934



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THE INDIAN REORGANIZATION ACT

June 18, 1934

To conserve and develop Indian lands and resources; to extend to Indians the right to form business and other organizations; to establish a credit system for Indians; to grant certain rights of home rule to Indians; to provide for vocational education for Indians; and for other purposes.

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Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That hereafter no land of any Indian reservation, created or set apart by treaty or agreement with the Indians, Act of Congress, Executive order, purchase, or otherwise, shall be allotted in severalty to any Indian.

SECTION 2. The existing periods of trust placed upon any Indian lands and any restriction on alienation thereof are hereby extended and continued until otherwise directed by Congress.

SECTION 3. The Secretary of the Interior, if he shall find it to be in the public interest, is hereby authorized to restore to tribal ownership the remaining surplus lands of any Indian reservation heretofore opened, or authorized to be opened, to sale, or any other form of disposal by Presidential proclamation, or by any of the public-land laws of the United States: *Provided, however,* That valid rights or claims of any persons to any lands so withdrawn existing on the date of the withdrawal shall not be affected by this Act: *Provided further,* That this section shall not apply to lands within any reclamation project heretofore authorized in any Indian reservation: *Provided further,* That the order of the Department of the Interior signed, dated, and approved by Honorable Ray Lyman Wilbur, as Secretary of the Interior, on October 28, 1932, temporarily withdrawing lands of the Papago Indian Reservation in Arizona from all forms of mineral entry or claim under the public land mining laws, is hereby revoked and rescinded, and the lands of the said Papago Indian Reservation are hereby restored to exploration and location, under the existing mining laws of the United States, in accordance with the express terms and provisions declared and set forth in the Executive orders establishing said Papago Indian Reservation: *Provided further,* That damages shall be paid to the Papago Tribe for loss of any improvements on any land located for mining in such a sum as may be determined by the Secretary of the Interior but not to exceed the cost of said

improvements: *Provided further,* That a yearly rental not to exceed five cents per acre shall be paid to the Papago Tribe for loss of the use or occupancy of any land withdrawn by the requirements of mining operations, and payments derived from damages or rentals shall be deposited in the Treasury of the United States to the credit of the Papago Tribe: *Provided further,* That in the event any person or persons, partnership, corporation, or association, desires a mineral patent, according to the mining laws of the United States, he or they shall first deposit in the Treasury of the United States to the credit of the Papago Tribe the sum of $1.00 per acre in lieu of annual rental, as hereinbefore provided, to compensate for the loss or occupancy of the lands withdrawn by the requirements of mining operations: *Provided further,* That patentee shall also pay into the Treasury of the United States to the credit of the Papago Tribe damages for the loss of improvements not heretofore paid in such a sum as may be determined by the Secretary of the Interior, but not to exceed the cost thereof; the payment of $1.00 per acre for surface use to be refunded to patentee in the event that patent is not acquired.

Nothing herein contained shall restrict the granting or use of permits for easements or rights-of-way; or ingress or egress over the lands for all proper and lawful purposes; and nothing contained herein, except as expressly provided, shall be construed as authority for the Secretary of the Interior, or any other person, to issue or promulgate a rule or regulation in conflict with the Executive order of February 1, 1917, creating the Papago Indian Reservation in Arizona or the Act of February 21, 1931 (46 Stat. 1202).

SECTION 4. Except as herein provided, no sale, devise, gift, exchange or other transfer of restricted Indian lands or of shares in the assets of any Indian tribe or corporation organized hereunder, shall be made or approved: *Provided, however,* That such lands or interests may, with the approval of the Secretary of the Interior, be sold, devised, or otherwise transferred to the Indian tribe in which the lands or shares are located or from which the shares were derived or to a successor corporation; and in all instances such lands or interests shall descend or be devised, in accordance with the then existing laws of the State, or Federal laws where applicable, in which said lands are located or in which the subject matter of the corporation is located, to any member of such tribe or of such corporation or any heirs of such member: *Provided further,* That the Secretary of the Interior may authorize voluntary exchanges of lands of equal value and the voluntary exchange of shares of equal value whenever such exchange, in his judgment, is expedient and beneficial for or compatible with the proper consolidation of Indian lands and for the benefit of cooperative organizations.

SECTION 5. The Secretary of the Interior is hereby authorized, in his discretion, to acquire through purchase, relinquishment, gift, exchange, or assignment, any interest in lands, water rights or surface rights to lands, within or without existing reservations, including trust or otherwise restricted allotments whether the allottee be living or deceased, for the purpose of providing land for Indians.

For the acquisition of such lands, interests in lands, water rights, and surface rights, and for expenses incident to such acquisition, there is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, a sum not to exceed $2,000,000 in any one fiscal year: *Provided,* That no part of such funds shall be used to acquire additional land outside of the exterior boundaries of Navajo Indian Reservation for the Navajo Indians in Arizona and New Mexico, in the event that the proposed Navajo boundary extension measures now pending in Congress and embodied in the bills (S. 2499 and H.R. 8927) to define the exterior boundaries of the Navajo Indian Reservation in Arizona, and for other purposes, and the bills (S. 2531 and H.R. 8982) to define the exterior boundaries of the Navajo Indian Reservation in New Mexico and for other purposes, or similar legislation, become law.

The unexpended balances of any appropriations made pursuant to this section shall remain available until expended.

Title to any lands or rights acquired pursuant to this Act shall be taken in the name of the United States in trust for the Indian tribe or individual Indian for which the land is acquired, and such lands or rights shall be exempt from State and local taxation.

SECTION 6. The Secretary of the Interior is directed to make rules and regulations for the operation and management of Indian forestry units on the principle of sustained-yield management, to restrict the number of livestock grazed on Indian range units to the estimated carrying capacity of such ranges, and to promulgate such other rules and regulations as may be necessary to protect the range from deterioration, to prevent soil erosion, to assure full utilization of the range, and like purposes.

SECTION 7. The Secretary of the Interior is hereby authorized to proclaim new Indian reservations on lands acquired pursuant to any authority conferred by this Act, or to add such lands to existing reservations: *Provided,* That lands added to existing reservations shall be designated for the exclusive use of Indians entitled by enrollment or by tribal membership to residence at such reservations.

SECTION 8. Nothing contained in this Act shall be construed to relate to Indian holdings of allotments or homesteads upon the public domain outside of the geographic boundaries of any Indian reservation now existing or established hereafter.

SECTION 9. There is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, such sums as may be necessary, but not to exceed $250,000 in any fiscal year, to be expended at the order of the Secretary of the Interior, in defraying the expenses of organizing Indian chartered corporations or other organizations created under this Act.

SECTION 10. There is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, the sum of $10,000,000 to be established as a revolving fund from which the Secretary of the Interior, under such rules and regulations as he may prescribe, may make loans to Indian, chartered corporations for the purpose of promoting the economic development of such tribes and of their members, and may defray the expenses of administering such loans. Repayment of amounts loaned under this authorization shall be credited to the revolving fund and shall be available for the purposes for which the fund is established. A report shall be made annually to Congress of transactions under this authorization.

SECTION 11. There is hereby authorized to be appropriated, out of any funds in the United States Treasury not otherwise appropriated, a sum not to exceed $250,000 annually, together with any unexpended balances of previous appropriations made pursuant to this section, for loans to Indians for the payment of tuition and other expenses in recognized vocational and trade schools: *Provided,* That not more than $50,000 of such sum shall be available for loans to Indian students in high schools and colleges. Such loans shall be reimbursable under rules established by the Commissioner of Indian Affairs.

SECTION 12. The Secretary of the Interior is directed to establish standards of health, age, character, experience, knowledge, and ability for Indians who may be appointed, without regard to civil-service laws, to the various positions maintained, now or hereafter, by the Indian Office, in the administration of functions or services affecting any Indian tribe. Such qualified Indians shall hereafter have the preference to appointment to vacancies in any such positions.

SECTION 13. The provisions of this Act shall not apply to any of the Territories, colonies, or insular possessions of the United States, except that Sections 9, 10, 11, 12, and 16 shall apply to the Territory of Alaska: *Provided,* That Sections 2, 4, 7, 16, 17, and 18 of this Act shall not apply to the following-named Indian tribes, the members of such Indian tribes, together with members of other tribes affiliated with such named tribes located in the State of Oklahoma, as follows: Cheyenne, Arapaho, Apache, Comanche, Kiowa, Caddo, Delaware, Wichita, Osage, Kaw, Otoe, Tonkawa, Pawnee, Ponca, Shawnee, Ottawa, Quapaw, Seneca, Wyandotte, Iowa, Sac and Fox, Kickapoo, Pottawatomi, Cherokee, Chickasaw, Choctaw, Creek, and Seminole. Section 4 of this Act shall not apply to the Indians of the Klamath Reservation in Oregon.

SECTION 14. The Secretary of the Interior is hereby directed to continue the allowance of the articles enumerated in Section 17 of the Act of March 2, 1889 (23 Stat.L. 894), or their commuted cash value under the Act of June 10, 1896 (29 Stat.L. 334), to all Sioux Indians who would be eligible, but for the provisions of this Act, to receive allotments of lands in severalty under Section 19 of the Act of May 29, 1908 (25 Stat.L.

451), or under any prior Act, and who have the prescribed status of the head of a family or single person over the age of eighteen years, and his approval shall be final and conclusive, claims therefor to be paid as formerly from the permanent appropriation made by said Section 17 and carried on the books of the Treasury for this purpose. No person shall receive in his own right more than one allowance of the benefits, and application must be made and approved during the lifetime of the allottee or the right shall lapse. Such benefits shall continue to be paid upon such reservation until such time as the lands available therein for allotment at the time of the passage of this Act would have been exhausted by the award to each person receiving such benefits of an allotment of eighty acres of such land.

SECTION 15. Nothing in this Act shall be construed to impair or prejudice any claim or suit of any Indian tribe against the United States. It is hereby declared to be the intent of Congress that no expenditures for the benefit of Indians made out of appropriations authorized by this Act shall be considered as offsets in any suit brought to recover upon any claim of such Indians against the United States.

SECTION 16. Any Indian tribe, or tribes, residing on the same reservation, shall have the right to organize for its common welfare, and may adopt an appropriate constitution and bylaws, which shall become effective when ratified by a majority vote of the adult members of the tribe, or of the adult Indians residing on such reservation, as the case may be, at a special election authorized and called by the Secretary of the Interior under such rules and regulations as he may prescribe. Such constitution and bylaws, when ratified as aforesaid and approved by the Secretary of the Interior, shall be revocable by an election open to the same voters and conducted in the same manner as hereinabove provided. Amendments to the constitution and bylaws may be ratified and approved by the Secretary in the same manner as the original constitution and bylaws.

In addition to all powers vested in any Indian tribe or tribal council by existing law, the constitution adopted by said tribe shall also vest in such tribe or its tribal council the following rights and powers: To employ legal counsel, the choice of counsel and fixing fees to be subject to the approval of the Secretary of the Interior; to prevent the sale, disposition, lease, or encumbrance of tribal lands, interests in lands, or other tribal assets without the consent of the tribe; and to negotiate with the Federal, State, and local Governments. The Secretary of the Interior shall advise such tribe or its tribal council of all appropriation estimates or Federal projects for the benefit of the tribe prior to the submission of such estimates to the Bureau of the Budget and the Congress.

SECTION 17. The Secretary of the Interior may, upon petition by at least one-third of the adult Indians, issue a charter of incorporation to such tribe: *Provided*, That such charter shall not become operative until ratified at a special election by a majority vote

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of the adult Indians living on the reservation. Such charter may convey to the incorporated tribe the power to purchase, take by gift, or bequest, or otherwise, own, hold, manage, operate, and dispose of property of every description, real and personal, including the power to purchase restricted Indian lands and to issue in exchange therefor interests in corporate property, and such further powers as may be incidental to the conduct of corporate business, not inconsistent with law, but no authority shall be granted to sell, mortgage, or lease for a period exceeding ten years any of the land included in the limits of the reservation. Any charter so issued shall not be revoked or surrendered except by Act of Congress.

SECTION 18. This Act shall not apply to any reservation wherein a majority of the adult Indians, voting at a special election duly called by the Secretary of the Interior, shall vote against its application. It shall be the duty of the Secretary of the Interior, within one year after the passage and approval of this Act, to call such an election, which election shall be held by secret ballot upon thirty days' notice.

SECTION 19. The term "Indian" as used in this Act shall include all persons of Indian descent who are members of any recognized Indian tribe now under Federal jurisdiction, and all persons who are descendants of such members who were, on June 1, 1934, residing within the present boundaries of any Indian reservation, and shall further include all other persons of one-half or more Indian blood. For the purposes of this Act, Eskimos and other aboriginal peoples of Alaska shall be considered Indians. The term "tribe" wherever used in this Act shall be construed to refer to any Indian tribe, organized band, pueblo, or the Indians residing on one reservation. The words "adult Indians" wherever used in this Act shall be construed to refer to Indians who have attained the age of twenty-one years.

APPROVED, June 18, 1934.